The City Council of the City of Raleigh met on Tuesday, December 17, 1985, at 1:00 p.m., in Room 201 of the Raleigh Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding
Ms. Burns
Mr. Campbell
Ms. Cates
Mr. Congleton
Mr. Meeker
Mr. Safran
Mr. Walters

Mayor Upchurch called the meeting to order and asked all to stand for a moment of silent prayer after which the following items were discussed with action taken as shown.

## RECOGNITION OF SPECIAL AWARDS

***VOLUNTEER OF THE MONTH - DOROTHY DAVIS HONORED

Mayor Upchurch briefly explained the Volunteer of the Month program and presented a Certificate of Appreciation to Dorothy Davis. He explained Ms. Davis is a registered nurse and volunteers her time at the Wake County Health Department, Red Cross Bloodmobile, and other things such as Meals on Wheels, and a trustee for the Methodist Children's Home.

***CERTIFICATES OF APPOINTMENT - PRESENTATIONS MADE

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Arts Commission - Fran Tomlin; Downtown Advisory Committee - Thomas Worth, Jr.

## CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda will be a roll call vote. Mr. Congleton requested that the transfer relating to Spring Forest Extension be pulled from the Consent Agenda. Without objection, this was agreed to. Mr. Walters moved Administration's recommendations on the remaining items on the Consent Agenda be held. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows.

***ZONING HEARINGS - JANUARY SCHEDULE ESTABLISHED

The City has received 20 rezoning requests for the January hearing.

Recommendation: That two zoning hearings be held in January: Tuesday, January 21, 1986, and Thursday, January 23, 1986. Both would start at 6:30 p.m. It is further recommended that the Council zoning sites tour be held at 8:00 a.m. on Monday, January 20, 1986. Consent Agenda approval Walters/Cates - 8 ayes.

***UTILITY MAPS - SALE - AUTHORIZED

The Utilities Department has a blueprint type map of City water and sewer lines. It is proposed that these maps be sold at a fee of $7.50 each which would be consistent with other maps of similar size sold by the Planning Department.

Recommendation: That the map sale be approved at a rate of $7.50 each. Consent Agenda approval Walters/Cates - 8 ayes.

***MONTAGUE BUILDING PROJECT - VARIOUS REDEVELOPMENT BOND DOCKETS - APPROVED

Final action is needed on the redevelopment bonds for this project. The following agreements should be approved: Bond Purchase Agreement; Loan Agreement; Assignment of Loan Agreement and Note; Deed of Trust and Security Agreement; Assignment of Leases; and Assignment. A background report was in the Agenda packet.

Recommendation: Approval of the Redevelopment Bond documents. Consent Agenda approval Walters/Cates - 8 ayes.

RESOLUTION NO. (1985) - 34

RESOLUTION ON AUTHORIZING THE ISSUANCE AND SALE OF $2,000 REDEVELOPMENT BOND (MONTAGUE BUILDING PROJECT) AND THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, LOAN AGREEMENT, ASSIGNMENT OF LEASES, ASSIGNMENT OF LOAN AGREEMENT AND NOTE, ASSIGNMENT, AND OTHER DOCUMENTS

WHEREAS, Montague Associates, a North Carolina limited partnership (the "Partnership"), has requested the City of Raleigh, acting in its capacity as a redevelopment commission (the "Issuer"), to undertake the purchase, renovation, construction, extension, improvement and/or equipping of a certain facility (the "Project") in Raleigh, North Carolina, which will be of the character and will accomplish the purposes of the north Carolina Urban Redevelopment Law, N.C. Gen. Stat. §160A, as amended (the "Act"), and the Issuer has agreed to do so; and,

WHEREAS, the Issuer proposes to finance a part of the cost of the Project by the issuance of its redevelopment bond in the principal amount of $2,000,000 pursuant to a Bond Purchase Agreement, such bond to be secured by a pledge of all receipts to be derived under a loan agreement with the Partnership, including payments on a promissory note with respect thereto (except in each case to payment to the Issuer for indemnification and Issuer expenses), and the mortgage of certain real property and a security interest in certain personal property and in the Project; and,

WHEREAS, a public hearing pursuant to valid notice was held by te Issuer in Raleigh, Wake County,North Carolina, on the third day of December, 1985, to hear comments on the Issuer's proposed issuance of the Bond (as hereinafter defined), all in satisfaction of the requirements of Section 103(k) of the Internal Revenue Code of 1954, as amended; and,

WHEREAS, there have also been presented to this meeting the forms of the following instruments which the Issuer proposes to execute to carry out the transactions described above, copies of which instruments shall be filed with the records of the Issuer:

(a) Bond Purchase Agreement, dated as of December 1, 1985, (the "Bond Purchase Agreement"), among the Issuer, the Partnership, and NCNB National Bank of North Carolina (the "Purchaser");

(b) Loan Agreement between the Issuer and the Partnership, dated as of December 1, 1985, (the "Loan Agreement"), with the promissory note of the Partnership (the "Note") in the principal amount of $2,000,000;

(c) Assignment of Leases between the Partnership and the Issuer, dated s of December 1, 1985, (the "Assignment of Leases");

(d) Assignment from the Issuer to the Purchaser, dated as of December 1, 1985 (the "Assignment");

(e) Assignment of Loan Agreement and Note from the Issuer to the Purcvhaser, dated as of December 1, 1985 (the "Assignment of Loan Agreement"); and,

(f) The form of the Issuer's $2,000,000 Redevelopment Bond (Montague Building Project) (the "Bond") bearing interest and payable as set forth therein.

NOW, THEREFORE, the Issuer does the following,

BE IT RESOLVED BY THE RALEIGH CITY COUNCIL FOR THE ISSUER,

1. It is hereby found and determined that the financing and location of the Project for the Partnership within the corporate boundaries of the City of Raleigh will rehabilitate and improve a blighted area of the City of Raleigh and such rehabilitation will be in the best interest of Raleigh, North Carolina, and the inhabitants thereof, and, therefore, the issuance of the Bond is hereby approved.

2. The mayor of the City of Raleigh is hereby authorized and directed to exucute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Bond Purchase Agreement to the other parties thereto for the Issuer.

3. The mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the loan Agreement to the Partnership for the Issuer.

4. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized an directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Assignment of Leases to the Partnership for the Issuer.

5. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Assignment to the Purchaser for the Issuer.

6. The Mayor of the City of Raleigh is hereby authorized and directed to exucute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Assignment of Loan Agreement to the Purchaser for the Issuer.

7. The Mayor of the City of Raleigh is authorized and directed to accept the Note, execute the form of assignment thereon, and deliver the Note to the Purchaser for the Issuer.

8. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Bond to the Purchaser for the Issuer upon exucution by the Purchaser of the Bond Purchase Agreement.

9. The Bond Purchase Agreement, the Loan Agreement, the Assignment of Leases, the Assignment, Assignment of Loan Agreement, the Note and the Bonds shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the officers exucuting them, their execution to consittute conclusive evidence of their approval of any such omission, insertions and changes.

10. The officers of the Issuer are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Bond and the undertaking of the Project.

11. All other acts of the officers of the Issuer which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bond and the undertaking of the Project are hereby approved and confirmed.

***COMMUNITY DEVELOPMENT - HOUSING REHABILITATION - LOANS AND GRANTS APPROVED

The following loans and grants for residential rehabilitation have been processed and meet the requirements for this program:

| | | |
|---|---|---|
| Steve and Lynne Johnson<br>819 S. Blount Street | Rehab. Loan | $40,000 |
| Samuel and Naomi Cotten<br>213 E. South Street | Rehab. Grant | $3,500 |
| Eddie L. Pittman<br>119 S. Haywood Street | Rehab. for Resale | $33,750 |

Recommendation: That the specified loans and grant be approved. Consent Agenda approval Walters/Cates - 8 ayes.

***CITY ART GALLERY PROJECT - AGREEMENT AMENDED

On September 17, 1985, the Council approved a program which involved the City acting as a limited guarantor for a lease for property to be used by City Art Gallery. One of the stipulations was that all lease documents would be signed by November 15, 1985. The City Art Gallery was unable to meet this date and an extension to December 31, 1985, has been requested.

Recommendation: That the requested extension to December 31, 1985, be approved. Consent Agenda approval Walters/Cates - 8 ayes.

***GRASS ROOTS ARTS PROGRAM - GRANTS - APPROVED AS RECOMMENDED BY ARTS COMMISSION

The Arts Commission is the review agency for State funds made available through the Grassroots Arts Program. Supplemental funding has been received for 1985-86, and the Arts Commission has recommended a distribution program which was included in the Agenda packet.

Recommendation: That Council approve the Grassroots Arts grants as recommended by the Arts Commission. Consent Agenda approval Walters/Cates - 8 ayes.

ORDINANCE NO. (1985) - 689

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH,

Section 1. That the 1985/1986 Budget appropriations be increased as follows to accept the additional Grassroots Arts funds for 1985/1986:

| | | |
|---|---|---|
| Revenue Appropriations | | |
| 02-1-1640-0100 | Grass Roots | $13,358.00 |
| | | |
| Expenditure Appropriations | | |
| 02-2-1640-3040 | Creative Exchange | $ 1,000.00 |
| 02-2-1640-3050 | Estey Hall | 1,350.00 |
| 02-2-1640-3060 | N. C. Bach Festival | 750.00 |
| 02-2-1640-3090 | Raleigh Symphony Orchestra | 650.00 |
| 02-2-1640-3150 | Arts Commission | 897.00 |
| 02-2-1640-3160 | City's 3% Cost | 401.00 |
| 02-2-1640-3170 | Apex Arts Experience | 1,140.00 |
| 02-2-1640-3180 | Arts Together | 1,245.00 |
| 02-2-1640-3190 | RHA - Young People | 875.00 |
| 02-2-1640-3200 | Wake County Comm. Schools | 3,550.00 |
| 02-2-1640-3210 | Wake Visual Arts | 1,500.00 |
| | | $13,358.00 |

Adopted: December 17, 1985

***RALEIGH LITTLE THEATRE - LEASE RENEWAL - APPROVED

The City's current lease of the Little Theatre to Raleigh Little Theatre, Inc., is expiring. A new lease has been developed and was included in the Agenda packet. The differences are:

a. Terms to be 10 years instead of 5;

b. Board of Directors selection is modified to allow nomination and election of Directors by the Theatre Board subject to Council approval. (In the past, Council had to approve names before the election.)

Recommendation: Approval of the lease. Consent Agenda approval Walters/Cates - 8 ayes.

***SOUTHERN RAILWAY SYSTEM - ENCROACHMENT - APPROVED

The City needs an encroachment agreement from Southern Railway as part of the Crabtree Creek Sewer Outfall Project. A copy of a proposed encroachment agreement was included in the Agenda packet.

Recommendation: That the encroachment agreement be approved. Consent Agenda approval Walters/Cates - 8 ayes.

***STREET MAINTENANCE FACILITY - CONSTRUCTION PROJECT DISPUTE - FUNDS APPROPRIATED

When this project was built, two of the contractors filed claims for additional funds for their work. These claims have been addressed through an arbitration proceeding with the claim by Garrison Grading Company for $22,000 being denied and the claim by Security Building Company for reimbursement of liquidated damages withheld of $7,524 plus interest, as well as, $1,455 for interest on late progress payment being approved. A fund transfer is needed to make this final payment.

Recommendation: That the following transfer of funds be approved to meet the arbitration award:

| | | |
|---|---|---|
| From: | | |
| 01-2-1040-0001 | Contingency | $11,902 |
| | | |
| To: | | |
| 01-2-1040-0310 | Street Maintenance Settlement | $11,902 |

Consent Agenda approval Walters/Cates - 8 ayes. See Ordinance 690 TF 11

***HILLSBOROUGH STREET STREETSCAPE PROJECT - CITY MANAGER AUTHORIZED TO EXECUTE DESIGN SERVICE AGREEMENTS WITH DAN SEARS - FUNDS APPROPRIATED

Design of the streetscape work has been substantially done by the staff. However, it is desired that a landscape architect be retained to provide a final review of the plans, develop the specifications, and handle the bidding and inspections process. Dan Sears is working with the City on the Martin Street Streetscape Project. It is desirable to involve his firm in this project. A proposed agreement has been developed for the above noted services which would be as follows:

a. Lump sum of $1,500 for review of design, site development, drawings, and revision of specifications;

b. Lump sum of $1,650 for electrical engineering; and,

c. A lump sum of $4,700 for bidding and inspections.

Recommendation: That the Council authorize the City Manager to execute the design services agreement as proposed and approve the following transfer of funds:

| | | |
|---|---|---|
| From: | | |
| 29-2-2010-0100 | Hillsborough Street | $10,350 |
| To: | | |
| 29-2-2010-0102 | Hillsborough Street A/E | $ 7,850 |
| 29-2-2010-0104 | Hillsborough Street Misc. | $ 2,500 |
| | | $10,350 |

Consent Agenda approval Walter/Cates - 8 ayes. See Ordinance 690 TF 10

***CITY MARKET PROJECT - MARTIN STREET WORK - SURVEY AGREEMENT AUTHORIZED

The City has retained Chasak Surveyors for a topographic survey of the Martin Street area which is part of the City Market Project. There is a need to expand this work to include East Davie Street between the Mall and South Blount Street since this is also an identified streetscape project. A proposal has been developed which provides a fee of $3,500 for the additional work.

Recommendation: That Council authorize the City Manager to amend the agreement as proposed and approve a transfer of funds in the amount of $3,500 with the source of funds being City Market land.

| | | |
|---|---|---|
| From: | | |
| 34-2-3930-0101 | City Market Land | $3,500 |
| To: | | |
| 34-2-3930-0102 | Engineering | $3,500 |

Consent Agenda approval Walters/Cates - 8 ayes. See Ordinance 690 TF 11

***CHRISTMAS PARADE - 1986 - PERMIT AUTHORIZED

Mr. Wesley Williams with the Raleigh Merchants Bureau has requested permission to stage the 1986 Christmas Parade on Saturday, November 22, 1986, at 10:00 a.m. The assembly area and parade route will be the same as in prior years. The route will be as follows: Start at Hillsborough and St. Mary's Streets; travel east on Hillsborough to Salisbury; south on Salisbury to Lenoir; and west on Lenoir Street and disband.

Mr. Williams further requested an inclement weather date for this event on Sunday, November 23, 1986, at 2:30 p.m.

This request has been reviewed by the Police Department and found acceptable.

Recommendation: That this request be approved. Consent Agenda approval Walters/Cates - 8 ayes.

***TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

During the Council Meeting on December 3, 1985, the following applications for taxicab owner's permits were approved on the first reading:

a. Franchise Renewals

William Thompson - Associated Cab Company (Operate ten cabs)

William Earl Sutton - Tri-City Express Taxi Company (Operate three cabs)

Nelson N. Ngari - Cardinal Cab, Inc. (Operate forty cabs)

Apollo Ombajo - American Cab Company (Operate twenty cabs)

I. E. Doggett - Strop Taxi Company (Operate three cabs)

Allen Willis and Geno Robertson - Rainbow Cab Company (Operate sixteen cabs)

Earl A. Jones - Diamond Cutter Limousine Service (Operate one limousine)

Silas Webb - Hollywood Limousine Service (Operate one limousine)

Roger Sessoms - Capital Limousine Service (Operate one limousine)

George G. Mburu - Safeway Cab Company (Operate twenty cabs)

Daniel L. Hooker - United Cab Company (Operate six cabs)

Willie Dixon - Dixon's Cab Company (Operate one cab)

b. Renewal of Individual Owner's Permits

1. Associated Cab Company

Richard Trusdale
Garland Watkins, Jr.
Leonard Alston
Evelyn Champion Robertson
Charles Isam Lyon

2. Cardinal Cab, Inc.

Franklin Gahuka Gatumbi
Johnny Nyaga Kagau
David E. Ogega

3. American Cab Company

Boaz Odhiambo
Harry W. Griffins
Marvenia Marion Page
Loman W. Murray, Jr.

4. Rainbow Cab Company

Willie E. Yarborough
William Henry Hall
Lucille L. Crowder
William Henry Jones
Napolean Nesbitt

5. Safeway Cab Company

Louise Wilson
Samuel I. Gachanja
Seraphin Nzabani Maketo

6. United Cab Company

Robert Lee Rowland
Marie Coleman Banks

Recommendation: That the applications be approved on a second and final reading. Consent Agenda approval Walters/Cates - 8 ayes.

***TAXICAB OWNERS PERMITS - APPROVED ON FIRST READING - TO BE PLACED ON JANUARY 6 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code.

a. Franchise Renewal

Hickman Carrington, Ebony Cab Company (Operate five cabs)

b. Renewal of Individual Owner's Permits

1. Ebony Cab Company

James Linwood Hooker
Lynwood Ray
William Lonnie Gibbs
William G. Hockaday
Octavis Wilson
Calvin Collidge Lucas
Willie Herbert Stokes
Dennis W. Robertson
William Ranson Sanders
Joseph Boyd, Jr.
Curtis Donnell Robertson
Mary Elizabeth Lucas

Melvin Scott
James Larry Mitchell
Excell Wilson
Lenna Jane Sorrell
James Henry Wilkerson
Ones E. Polk
Levi Sanders, Jr.
Garland Thompson, Jr.

Recommendation: That the applications for taxicab permits be approved with the understanding the applications would be placed on the Council Agenda for January 7, 1986, for second and final consideration. Consent Agenda approval Walters/Cates - 8 ayes.

***REIMBURSEMENT CONTRACT - HUBERT MONTAGUE - APPROVED

The following reimbursable contract has been prepared for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

Hubert Montague
12-inch sanitary sewer outfall
Area 16, Number 2
$221,139.61

Recommendation: That approval be granted and authorize the Mayor's signature on the document. Consent Agenda approval Walters/Cates - 8 ayes.

***CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for rent-free use of Assembly Room I at the Civic Center on April 8, 1986, for the Senior Citizens Annual Spring Banquet.

The item was received as information without comment.

***OPTIMIST CENTER EXPANSION - CHANGE ORDER #P-1 - TRIANGLE MECHANICAL - MANAGER'S ACTION UPHELD

The Agenda indicated the City Manager has administratively approved Change Order P-1 - Triangle Mechanical relating to Optimist Center expansion. The change order was an increase of $219.57. The Agenda outlined the need for the change order and the budget amendments that have been approved administratively.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval Walters/Cates - 8 ayes.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS UPHELD

Council Members received in their Agenda packet a list of transfers that have been approved administratively according to Council procedure. The transfers are as follows:

| FROM | TO | AMOUNT |
|---|---|---|
| 01-2-1200-0212 | 01-2-1200-0705 | $196.00 |
| 06-2-7040-0705 | 06-2-7040-0710 | 150.00 |
| 43-2-2020-0100 | 43-2-2020-0202 | 414.80 |
| 38-2-3510-0100 | 38-2-3510-0106 | 331.22 |
| 38-2-3510-0100 | 38-2-3500-0101 | 700.00 |
| 01-3-3100-0120 | 01-2-4040-0703 | 929.00 |
| 38-2-3510-0100 | 38-2-3500-0106 | 384.00 |
| 01-2-6010-0225 | 01-2-6010-0226 | 950.00 |
| 01-2-1040-0001 | 01-2-1220-0265 | 860.00 |
| 01-2-1220-0226 | 01-2-3050-0236 | 385.00 |
| 06-2-7060-0610 | 06-2-7060-0734 | 100.00 |
| 38-2-3510-0100 | 38-2-3500-0104 | 629.00 |
| 06-2-7030-0225 | | 289.00 |
| 06-2-7030-0780 | | 611.00 |
| | 06-2-7030-0793 | 900.00 |
| 38-2-3510-0100 | 38-2-3500-0105 | 219.57 |

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval Walters/Cates - 8 ayes.

***TRANSFERS WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda listed transfers in the Finance, Parks and Recreation, Public Utilities, and Safety departments and outlined the reasons for the transfers as well as the budget accounts that should be amended.

Recommendation: Concurrence with the transfers as outlined on the Agenda is recommended. Consent Agenda approval Walters/Cates - 8 ayes.

ORDINANCE NO. (1985) 690 TF 11

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

| CODE ACCOUNT | OBJECT CLASSIFICATION | AMOUNT |
|---|---|---|
| From: | | |
| 06-2-7100-0002 | Contingency | $ 3,683.00 |
| To: | | |
| 06-2-7050-0748 | Gas Chromatography | 3,683.00 |
| Purpose: | | |
| To supplement account to cover Bid Request 85-45. | | |
| From: | | |
| 01-2-1040-0001 | Contingency | $ 11,902.00 |
| To: | | |
| 01-2-1040-0310 | Street Maint. Settlement | 11,902.00 |
| Purpose: | | |
| To pay damage awarded. | | |
| From: | | |
| 29-2-2010-0100 | Hillsborough Street Landscaping | $ 10,350.00 |
| To: | | |
| 29-2-2010-0102 | Hillsborough Steeet A/E | 7,850.00 |
| 29-2-2010-0104 | Hillsborough Street Misc. | 2,500.00 |
| Purpose: | | |
| To provide funds for architectural and engineering services for Hillsborough Street landscaping. | | |
| From: | | |
| 34-2-3930-0101 | City Market Land | $ 3,500.00 |
| To: | | |
| 34-2-3930-0102 | Engineering | 3,500.00 |
| Purpose: | | |
| Additional services of surveyor - Davie Street. | | |
| From: | | |
| 01-2-1040-0001 | Council Contingency | $ 5,500.00 |
| To: | | |
| 01-2-3020-0260 | Office and Other Supplies | 5,500.00 |
| Purpose: | | |
| To supplement account for remainder of fiscal year. | | |
| From: | | |
| 19-2-8020-0534 | Program Reserve | $ 2,000.00 |
| To: | | |
| 19-2-8020-0700 | Equipment | 2,000.00 |
| Purpose: | | |
| To purchase additional stations for universal exercise machine and a window air conditioner for exercise room at Lions Park. | | |
| From: | | |
| 37-2-1000-0100 | Council Reserve | $ 6,200.00 |
| To: | | |
| 38-2-2040-0102 | Millbrook Exchange Pool "B" | 6,200.00 |
| Purpose: | | |
| Professional fees associated with Millbrook Exchange Pool. | | |
| From: | | |
| 84-2-1060-0000 | E. M. Johnson Plant Exp. | $ 22,293.35 |
| To: | | |
| 84-2-1411-0101 | Cross Link Road Water | 22,293.35 |
| Purpose: | | |
| To set up funds to reimburse road bond funds for water main relocation for Cross Link Road. | | |
| From: | | |
| 32-2-1000-0100 | Council Reserve | $ 15,000.00 |
| To: | | |
| 32-2-5045-0103 | Spring Forest Road Exit | 15,000.00 |
| Purpose: | | |
| To complete Spring Forest Road Extension claims with Homeowner's Association. | | |
| From: | | |
| 32-2-1000-0100 | Council Reserve | $ 190,000.00 |
| To: | | |
| 32-2-5062-0103 | Trawick Road Relocation R/W | 190,000.00 |
| Purpose: | | |
| To provide funds to purchase street right-of-way for Trawick Road relocation. | | |

| | | |
|---|---|---|
| From: | | |
| 01-2-1040-0215 | Public Liability Ins. | $ 1,493.00 |
| To: | | |
| 01-2-1040-0296 | Floater Policy-Rec. | 1,493.00 |

Purpose:
to supplement account to pay insurance premium on Optimist Pool bubble cover.

| | | |
|---|---|---|
| From: | | |
| 01-2-1040-0001 | Contingency | $ 19,241.00 |
| To: | | |
| 40-2-1515-0102 | Civic Center Plaza A/E | 19,241.00 |

Purpose:
To fund backfill work associated with Civic Center Plaza.

| | | |
|---|---|---|
| From: | | |
| 44-2-3000-0000 | Parking Deck Project | $4,272,500.00 |
| 29-2-1000-0100 | Council Reserve-Capital Reserve | 100,000.00 |
| 44-2-2000-0001 | Reserve Future Facil. | 200,000.00 |
| To: | | |
| 44-2-3000-0101 | Parking Deck-General | 4,274,074.00 |
| 44-2-3000-0104 | Parking Deck-Misc. | 30,000.00 |
| 44-2-3000-0105 | Parking Deck-Plumb. | 61,926.00 |
| 44-2-3000-0106 | Parking Deck-Elec. | 206,500.00 |

Purpose:
To set up funding for Wilmington Street parking deck.

| | | |
|---|---|---|
| From: | | |
| 01-2-1040-0001 | Contingency | $ 13,243.10 |
| To: | | |
| 01-2-1130-0100 | | 733.20 |
| 01-2-3020-0100 | | 587.60 |
| 01-2-3030-0100 | | 1,617.20 |
| 01-2-1200-0100 | | 3,317.60 |
| 01-2-1230-0100 | | 1,164.80 |
| 01-2-4100-0100 | | 1,898.00 |
| 01-2-4120-0100 | | 1,761.50 |
| 01-2-5060-0100 | | 725.40 |
| 01-2-6020-0100 | | 789.10 |
| 01-2-1080-0100 | | 648.70 |

Purpose:
Reclassifications approved by Council.

| | | |
|---|---|---|
| From: | | |
| 06-2-7100-0002 | Utilities Contingency | $ 6,080.10 |
| To: | | |
| 06-2-7010-0100 | | 1,740.70 |
| 06-2-7090-0100 | | 1,164.80 |
| 06-2-7060-0100 | | 1,826.50 |
| 06-2-7040-0100 | | 1,348.10 |

Purpose:
Reclassifications approved by Council.

| | | |
|---|---|---|
| From: | | |
| 43-2-3080-0100 | C. D. Contingency | $ 2,496.00 |
| To: | | |
| 43-2-2090-0100 | | 1,805.70 |
| 43-2-2100-0100 | | 690.30 |

Purpose:
Reclassifications approved by Council.

Adopted: December 17, 1985

***BID REQUEST 85-35 - MOBILE HYDRAULIC HAMMER - BID AWARDED TO A. E. FINLEY

Pursuant to advertisement as required by law, bids received and publicly opened in the office of the Purchasing Agent on Wednesday, December 4, 1985, for a mobile hydraulic hammer less trade with results as follows: A. E. Finley and Associates, Inc. - $33,707; Spartan Equipment, Inc. - $39, 045.

Recommendation: That the low bid submitted by A. E. Finley and Associates, Inc., be awarded. Consent Agenda approval Walters/Cates - 8 ayes.

***BID REQUEST 85-45 - GAS CHROMATOGRAPH - BID AWARDED TO SOUTHERN MEASUREMENTS COMPANY - FUNDS APPROPRIATED

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on Wednesday, November 20, 1985, for a gas chromatograph with results as follows: Southern Measurement Company - $13,683; Barian Associates - $14,605; Perkin-Elmer Corporation - $17,765.

Recommendation: That the low bid submitted by Southern Measurement Company be awarded. Consent Agenda approval Walters/Cates - 8 ayes.

City Manager Benton indicated he should have pulled this item from the Consent Agenda as a transfer of funds is needed. Mr. Safran moved that the Council rescind its action on approving this item in the Consent Agenda. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted. City Manager Benton indicated a transfer of funds in the amount of $3,683 should have been included in order to award this bid. Mr. Walters moved approval of the low bid submitted by Southern Measurements Company as well as a transfer of funds as recommended by the Manager. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 690 TF 11

***BID REQUEST 85-46 - SURPLUS VEHICLES AND EQUIPMENT SALE - JOINT AWARD MADE TO HIGH BIDDERS

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent for the sale of surplus vehicles and equipment. The high bidders were as follows:

| ITEM | VEH# | DESCRIPTION | HIGH BIDDER | AMOUNT |
|---|---|---|---|---|
| 1 | 318 | 1970 Pontiac | Rigsbee Auto Parts | $ 51.00 |
| 2 | 1105 | 1971 Mack Loadpacker | Rigsbee Auto Parts | 518.00 |
| 3 | 1153 | 1977 Chevy 2T | Rigsbee Auto Parts | 863.00 |
| 4 | 1168 | 1975 Ford Loadpacker | Clemmons & Son Garage | 327.87 |
| 5 | 1725 | 1975 Plymouth | Joseph Boyd, Jr. | 275.00 |
| 6 | 1728 | 1978 Chevrolet Monza | William Hockaday | 276.00 |
| 7 | 1739 | 1973 Plymouth | Rigsbee Auto Parts | 107.00 |
| 8 | 1749 | 1977 Plymouth | Joseph Boyd, Jr. | 429.00 |
| 9 | 1758 | 1974 Ford Pinto | Johnny Ham | 106.00 |
| 10 | 1766 | 1977 Chevrolet Vega | Johnny Ham | 146.00 |
| 11 | 1777 | 1977 Plymouth | William Hockaday | 276.00 |
| 12 | 91891 | 76 Long Rotovator | Larry's Used Cars | 156.00 |
| 13 | 1908 | 1979 Ford 2T | Larry's Used Cars | 2,010.00 |
| 14 | 2386 | 1977 Chevrolet 2T | Larry's Used Cars | 1,113.00 |
| 15 | 3201 | 1961 Chevrolet w/Tank | Rigsbee Auto Parts | 562.00 |
| 16 | 3402 | 1979 Ford 2T | Larry's Used Cars | 1,710.00 |
| 17 | 3418 | 1979 Ford 2T | Larry's Used Cars | 1,810.00 |
| 18 | 3449 | 1977 Chevrolet 2T | Cary Used Cars | 1,768.99 |
| 19 | 3539 | 1980 Murray Motor | No Bids Received | |
| 20 | 3776 | 1974 Ford Maverick | Johnny Ham | 121.00 |
| 21 | 3777 | 1973 Plymouth Valiant | McDaniel Auto Sales | 258.00 |
| 22 | 3780 | 1975 Chevrolet Vega | Johnny Ham | 119.00 |
| 23 | 3784 | 1974 Chevrolet Nova | Rigsbee Auto Parts | 107.00 |
| 24 | 3787 | 1974 Ford Maverick | Rigsbee Auto Parts | 107.00 |
| 25 | 4212 | 1971 Mobil Sweeper | Gary King | 1,500.00 |
| 26 | 4218 | 1975 M. B. Sweeper | Gary King | 2,500.00 |
| 27 | 4623 | 1978 Chev. Dump W/ Lodal | Rigsbee Auto Parts | 2,714.00 |
| 28 | ---- | Snow Plows (2) | Rigsbee Auto Parts | 21.00 |
| 29 | ---- | Oil: Used Motor Oil/gal. (Estimated 9,000 Gals./Year | Noble Oil Service | .17 |

Recommendation: That the high bidder on each item be awarded the bid. Consent Agenda approval Walters/Cates - 8 ayes.

***BID REQUEST 85-47 - ROTARY MOWERS - BID AWARDED TO SENTER-SANDERS TRACTOR CORPORATION

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on December 4, 1985, for four 80-inch and one 60-inch rotary mowers with results as follows: Senter-Sanders Tractor Corporation - $9,747.43; Revels Tractor Incorporated - $10,314.92.

Recommendation: That the low bid submitted by Senter-Sanders Tractor Corporation be awarded. Consent Agenda approval Walters/Cates - 8 ayes.

***BID REQUEST 85-48 - PRINTING: "AT YOUR SERVICE" BID AWARDED TO EDWARDS AND BROUGHTON COMPANY

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on December 4, 1985, for a price agreement for the period January through December, 1986, for printing 60,000 issues per month of "At Your Service" with results as follows: Edwards and Broughton Company - $10,800; ADS Printing Company - $7,375.04; Theo Davis Sons - $11, 952.00; Bebrrd Printing Company - $12,103.20; Glover Printing Company - $12,144.00; Joseph C. Woodard Printing - $18,018; Carolina Copy Center - $37,836.

Recommendation: That the low bid submitted by Edwards and Broughton Company be awarded. Consent Agenda approval Walters/Cates - 8 ayes.

***BID REQUEST 85-49 - THREE CREW CABS AND CHASSIS - BID AWARDED TO NORTH STATE FORD TRUCK SALES INCORPORATED

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on December 4, 1985, for three crew cabs and chassis with results as follows: North State Ford Truck Sales, Incorporated - $65,800.80; Sir Walter Chevrolet Company - $65,989.35; Bobby Murray Chevrolet, Incorporated - $66,463.65.

Recommendation: That the low bid submitted by North State Ford Truck Sales, Incorporated be awarded. Consent Agenda approval Walters/Cates - 8 ayes.

***END OF CONSENT AGENDA***

***SPRING FOREST ROAD EXTENSION - FUNDS APPROPRIATED; POLICY OF OBTAINING SLOPE EASEMENTS - REFERRED TO PUBLIC WORKS COMMITTEE

The Agenda outlined a request in the amount of $15,000, from Council reserve to Spring Forest Road Extension account to complete Spring Forest Road extension claims with the Homeowners Association. Mr. Congleton explained he pulled this from the Consent Agenda and indicated he was aware that this is a hot issue and asked about the current status. City Manager Benton indicated representatives of Administration have met with the North Bend Homeowners Association and the City has reduced the slope easement that is being required by including retaining walls on this project. He pointed out this pulls the slope back to eight feet from the right-of-way whereas it was twelve to fourteen feet. He stated we have plans for planting a vegetative barrier on the right-of-way and along the retaining wall. He stated in his opinion we have addressed the issue of the slope easements and feels that the main issue remaining is compensation for the slope issue. He stated this is dollars to be set aside to try to resolve those issues. He stated the Council may want to put this in committee. He stated at this point we are dealing with values and he feels we are pretty close to resolving the issue. He stated the Homeowners Association will not meet again until the first of the year therefore that is holding up the issue somewhat. He explained however the Board of Director's are going to meet and hopefully they will make a recommendation to take to the Association. Mr. Congleton indicated representatives of the Homeowners Association approached him some time ago and he had indicated that the road had been on the plan for a number of years. He stated what has taken place is a combination of subdivision developments and the design of the road and he does feel that they do have some legitimate complaints. He indicated in future cases where there is a road planned and subdivisions, etc., are being approved, he feels it would be good if the Council could be alerted if similar impacts such as is taking place here will result. City Manager Benton indicated one problem we have is getting a standard ninety-foot right-of-way and that isn't suitable in a long-term approach. He stated in the past the City hasn't done much in the terms of getting slope easements at the time of the subdivision. He stated we are working on that and are trying to get a better way to get slope easements in the beginning. Mr. Congleton moved that the issue defining slope easements and the policy the City uses be referred to Public Works Committee. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Mr. Congleton moved approval of the transfer of $15,000, relating to the Spring Forest Road extension project. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 690 TF 11

SPECIAL ITEMS

***SUBDIVISION S-193-85 - BROOK PARK SUBDIVISION - APPROVED

This was a request for approval to subdivide a 7.8-acre tract, zoned Residential-4, into seventeen lots. The property is located on the north side of Northbrook Drive, just west of Brooks Elementary School, inside the City Limits.

CR-5881 from the Planning Commission recommends that this request be approved according to a map entitled, "Preliminary Plan, Brook Park Subdivision," drawn by Robert T. Newcomb, III, RLS, dated September, 1985, owned by Robert T. Newcomb, III, RLS.

During the November 19 and December 3, 1985, Council Meetings, at the request of Mr. Congleton, it was directed that this item be placed on this Agenda for further consideration.

Mr. Congleton indicated this is a tough case. He pointed out he was on vacation last week and did not have an opportunity to work with the property owners. He stated, however, he had received a letter from the eighteen property owners around the proposed subdivision indicating they are continuing to meet and asked that this item be continued for two more weeks. He stated the developer has not called and complained. He stated however the subdivision does meet all of the requirements of the subdivision regulations. Mr. Meeker indicated it seems that the property owners could attempt to work out something with the developer whether the subdivision is approved or not. Discussion took place as to whether this item should be held and the fact that approval of the subdivision would have no affect on whether the adjoining property owners could purchase the property. Mr. Walters moved approval of the Planning Commission's recommendation. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***LIGHTFOOT - OFF-SITE SEWER EASEMENT - TO BE PLACED ON JANUARY 7, AGENDA

During the November 19 Council Meeting, the Law and Finance Committee was prepared to make a recommendation that the City agree to provide assistance in acquiring a sewer easement to serve the Lightfoot property if the private property owners' efforts to obtain this easement were unsuccessful. Additional information was received at the meeting, and the Council directed that the item be deferred until December 3. At the December 3 meeting, at the request of representatives of Lightfoot, as well as adjoining property owners, the item was deferred and directed that it be placed on this Agenda for consideration.

Ms. Cates indicated she would like to be excused from participation in this matter. Without objection Ms. Cates was excused.

Mayor Upchurch indicated each Council member received a letter from Tom Worth on this item asking that it be held and asked the Council's feelings. Mr. Meeker indicated he feels it would be appropriate to hold this for two weeks with the understanding that it will be on the January 7 Agenda and action will be taken at that point. Mr. Meeker moved that the item be placed on the January 7 Agenda. His motion was seconded by Ms. Burns and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-144-85 - US 1 NORTH - ORDINANCE APPROVED ON SECOND AND FINAL READINGS

This was a request for approval to rezone 81 acres from Residential-6 to Thoroughfare District. During the December 3, Council Meeting, Ordinance (1985) 687 ZC 176 was passed, approving this rezoning. The ordinance received five positive votes. Therefore, it would be appropriate to consider adoption of the ordinance on a second and final reading. Mr. Walters moved approval of the ordinance on the second and final reading. His motion was seconded by Mr. Safran and was put to a vote which resulted in all members voting in the affirmative except Ms. Burns, Ms. Cates, and Mr. Meeker who voted in the negative. The Mayor ruled the motion adopted and the rezoning approved.

ORDINANCE NO. (1985) - 687 ZC 176

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH,

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) U. S. 1 North, approximately 1,500 feet eastward, between Spring Foret Road and Old Wake Forest Road, being portions of Parcels 210, 211, and 225, Tax Map 382, rezoned to Thoroughfare District, according to map on file in the City of Raleigh Planning Department. (Z-144-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon adoption at the second reading.

Adopted: First Reading - December 3, 1985
Second Reading - December 17, 1985

***REZONING Z-145-85 - FOX ROAD - APPROVED

This was a request for approval to rezone 55 acres from Residential-4 to Residential-15 Conditional Use.

CR-5926 from the Planning Commission recommended that Z-145-85 be approved as Residential-15 Conditional Use, with additional conditions.

This item was on the Council Agenda for December 3, 1985, however, was withdrawn as the additional conditions had not been submitted according to procedures. Everything is now in order and Council Members received information in their Agenda packet. It would be appropriate to consider the Planning Commission's recommendation.

Mr. Walters moved approval of the Planning Commission's recommendation. His motion was seconded by Mr. Campbell and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 691 ZC 177

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH,

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fox Road, north side, at its intersection with the proposed Northern Wake Expressway, south of the Berkshire Downs Subdivision, being Parcel 5, Tax Map 355, rezoned to Residential-15 Conditional Use District. Conditions as follows:

1. The owners will dedicate to the City of Raleigh land for the right-of-way for Raleigh's Outer Belt Loop in accordance with the preliminary location shown on map available in the Planning Department. The right-of-way dedication will be subject to the reservation of a sixty (60) foot access easement and utility easements to service the portion of the property which will remain on the southwest side of the Outer Belt Loop right-of-way. The sixty (60) foot access easement mentioned above shall be terminated if alternate access in the form of a public street is provided to the property.

2. That ten (10) acres of the property, as indicated on the attached map and located along the eastern edge of the subject propety shall have no more than six (6) units per acre located within the ten (10) acre area.

3. The designated floodway, as shown on the Corps of Engineers Map 370243, Parcel 0029, and located along the north portion of the request shall be dedicated as greenway easement to the City of Raleigh.

4. The provisions for density transfer as provided for under Ordinance No. (1985) 678 TC 255 (TC-22-85) will not be utilized on the property covered by this petition.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective December 17, 1985.

Adopted: December 17, 1985

Effective: December 17, 1985

***REZONING Z-146-85 - FALLS OF NEUSE ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone 2.45 acres from Office and Institution-I to Shopping Center Conditional Use.

CR-5927 from the Planning Commission recommended that this request be approved as amended, by petitioner; that is, that No. 5 be changed to read "There shall be no more than two buildings on the site."

This item was on the December 3 Agenda, however, was withdrawn as the additional conditions had not been submitted according to procedures. Everything is now in order and Council Members will receive information in their Agenda packet. It would be appropriate to consider the Planning Commission's recommendation.

Mr. Campbell indicated he would like an opportunity to further study this and would move that rezoning Z-146-85 be referred to the Law and Finance Committee for further consideration. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REQUESTS AND PETITIONS OF CITIZENS

***ENCROACHMENT - BASKETBALL GOAL 7432 EDENWOOD LANE - DENIED

Joe Ostby was at the meeting to request permission for a basketball goal on City right-of-way at 7432 Edenwood Lane to remain in its present location. He explained this is a cul-de-sac with about sixteen houses and the basketball goal is used by children from the whole street. He indicated there is no other place for them to play. He explained there is very little traffic and pointed out the basketball goal is at the dead end of the cul-de-sac.

City Manager Benton indicated we do have a basketball goal which is so situated that individuals using it would have to be in the street. He indicated that gives Administration problems in terms of safety. He stated Administration has consistently recommended that this type encroachment not be allowed and that the

Council not allow the use of streets for recreational purposes which distracts people and could result in pedestrian injuries. Ms. Cates questioned if there had been any complaints from the neighborhood with City Manager Benton and Mr. Ostby indicating not that they were aware of. Ms. Cates pointed out kids play everywhere in the streets and she has no problem with this request. City Manager Benton and City Attorney McCormick explained we do have an ordinance prohibiting children from playing in the street with Ms. Cates expressing surprise. Discussion took place as to whether there is a park in the area with Mr. Ostby pointing out there is a small park in the subdivision but it only has swing sets. Mr. Walters pointed out cases such as this have come before the Council before and have been denied. He stated that he saw no way that Council could authorize this as the Council would be breaking its own law. He pointed out if this is allowed and someone gets hurt then the City would be liable. He stated he knew that kids play in the street all the time but there is no way he feels that the City can sanction that with Mr. Congleton agreeing that authorizing this would be sanctioning activities in the street. He indicated he lives on a cul-de-sac and his kids play in the street but for the City Council to say it is okay for children to play in the street he feels would be opening up the City to all kinds of liabilities. Ms. Cates questioned if the neighborhood could get together and put up a basketball goal in the park or at some other place. She stated she would like to have a copy of the ordinance that prohibits kids from playing in the streets and questioned if it is enforced. She pointed out if we have a law against children playing in the street then she feels that puts pressure on the City to make sure there are playgrounds in all neighborhoods. No action was taken to allow the request.

***CIVIC CENTER - WAIVER OF FEE FOR VOLUNTEER ACTION CENTER - APPROVED

Steve Dudek, representing Volunteer Services of the Human Resources Department, would like to request waiver of the fee for a room at the Civic Center in connection with a workshop in basic volunteer administration sponsored by the Volunteer Action Center in cooperation with the State Department of Human Resources.

City Manager Benton indicated he had no problem with this. Mr. Walters moved approval of the request. His motion was seconded by Mr. Safran which passed unanimously. The Mayor ruled the motion adopted.

***TAXI RATE METER - MODEL 2000B PULSAR - AUTHORIZED FOR USE IN THE CITY

William Thompson, owner of Associated Cab Company, was at the meeting to request Council approval for use of Model 2000B Pulsar digital taxi rate meter for use in the City of Raleigh. He showed Council Members a sample of the meter pointing out he ran it in his car for six to eight months and he feels it is real accurate. He pointed out the meter can be slid in or removed from the car and put in the trunk to prohibit it from being stolen. City Manager Benton indicated the Code does require the City Council to approve the use of taxi rate meters for use in the City of Raleigh. He pointed out this has been checked out by the Measurement Section of the Department of Agriculture and meets their approval, therefore, Aministration recommends approval. Ms. Cates approval of the use of Model 2000B Pulsar digital taxi rate meter in the City of Raleigh. Her motion was seconded by Mr. Campbell and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***NORTHWAY OFFICE CENTER - REQUIREMENT FOR SIDEWALKS - REFERRED TO THE PUBLIC WORKS COMMITTEE

Ben Taylor was at the meeting pointing out he is representing Northway Office Center. He indicated a street has been constructed without sidewalks and the street goes into Northway Office Center. He stated he would like for a committee to look at the item to see if they need to put sidewalks in their section of the development since the existing section of the street does not have sidewalks. Ms. Cates moved that the matter be referred to Public Works Committee. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

## UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

***NONE

## MATTERS SCHEDULED FOR PUBLIC HEARING

***ANNEXATION - WEST OAK APARTMENTS - HEARING - ORDINANCE ADOPTED ANNEXING AREA EFFECTIVE JUNE 30, 1986

This was a hearing to consider the annexation of property known as West Oak Apartments. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman, utilizing a map available at the meeting, showed the location of the property in question, explained how it meets annexation criteria, how the property is proposed to be developed, and what City utilities and streets are involved. The Mayor opened the hearing to the public. No one asked to be heard, thus, the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the property effective June 30, 1986, and adoption of a resolution placing the area into Council electoral district E. Her motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 35

ORDINANCE NO. (1985) 692

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS WEST OAK APARTMENTS

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and,

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the minicipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on December 17, 1985, at 1 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and,

WHEREAS, any and all comments were heard and considered at said public hearing,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH,

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1986:

WEST OAK APARTMENTS

Beginning at a point in the existing Raleigh City Limits (December 1, 1985) said point also being in the western right-of-way of Duraleigh Road and the southern right-of-way extended of Pleasant Valley Road; thence, westerly with the proposed extension of Pleasant Valley Road, with said City Limits, the following courses and distances: South 84° 10' 11" East 99.30 feet; along a curve to the right, said curve having a radius of 330 feet and an arc distance of 201.50 feet; South 49°, 10' 11" seconds East 224.16 feet; along a curve to the left, said curve having a radius of 270.00 feet and an arc distance of 169.28 feet; South 85° 05' 35" East 479.81 feet to a point at the end of this section of the proposed Pleasant Valley Road extension; thence leaving said Road S09° 10' 31" W, 748.37'; thence S62° 44' 26" E, 115.22'; thence S70° 06' 07" E, 87.78; thence S69° 15' 40" E, 229.39'; thence S64° 36' 46" E, 168.62'; thence S80° 56' 09" E, 489.31' to the west right-of-way line of Duraleigh Road; thence clockwise along a curve having a radius of 2,341.85' and an arc of 750.01' to the point and place of beginning and containing 21.42 acres.

Section 2. It being understood and agreed that the developer will, at his expense, construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1986.

Adopted: December 17, 1985

Effective: June 30, 1986

***ANNEXATION - EMERALD CHASE SUBDIVISION - HEARING - ORDINANCE ADOPTED ANNEXING PROPERTY EFFECTIVE JUNE 30, 1986

This was a hearing to consider the contiguous annexation of property known as Emerald Chase Subdivision. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman, utilizing a map available at the meeting, explained the property in question, how it is proposed to be developed, how the area meets the criteria for annexation, and what City services are required. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the property effective June 30, 1986, and adoption of a resolution placing the property in question in City Council electoral district A. Her motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 35

ORDINANCE NO. (1985) 693

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS EMERALD CHASE SUBDIVISION

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and,

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the minicipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying

residents of the City of Raleigh that a meeting of the City Council would be held on December 17, 1985, at 1 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and,

WHEREAS, any and all comments were heard and considered at said public hearing,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH,

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1986:

EMERALD CHASE SUBDIVISION

Beginning at an iron pipe, said iron pipe having North Carolina Grid Coordinates of N(y)=781,326.07 and E(x)=2,098,767.31; thence N-00°19'01"-E 2,040.26 feet along the Crosswinds Subidivision line to an iron pipe; thence N-81°34'33"-E 877.58 feet along the southern right-of-way of SR No. 1829 to a point on the eastern right-of-way of the proposed Lead Mine Road; thence along the eastern right-of-way of the proposed Lead Mine Road as follows: S-07°-35'-41"-E 396.03 feet to a point; thence along a curve to the right 304.60 feet and having a radius of 2,443.71 feet to a point; thence S-00°-27'-11"-E 210.80 feet to a point; thence along a curve to the left 155.05 feet and having a radius of 1,575.31 feet to a point; thence along the lines of White's property S-87°-25'-59"-E 489.79 feet to a concrete monument; thence S-02°-40'-07"-W 1,162.04 feet to an iron pipe; thence S-86°-54'-05"-E 383.01 feet to a concrete monument; thence S-01°-09'-03"-W 651.00 feet to a concrete monument; thence N-85°-53'-44"-W 336.54 feet to an iron pipe; thence S-01°-08'-16"-W 686.87 feet to an iron pipe in the existing (10-1-85) Raleigh City Limits; thence with said City Limits N-89°-26'-09'-W 1191.96 feet to a concrete monument; thence leaving said City Limits N-01°-09'-43"-E 282.57 feet to an iron pipe; thence N-01°-09'-34"-E 478.01 feet to a concrete monument; thence N-01°-14'-17"-E 624.34 feet to a concrete monument; thence N-86°-58'-33"-W 256.21 feet to the point of Beginning and being Tract "A" (Sydnor M. White Property) containing 20.80 acres and Tract "B" (Ravenridge Assoc. Property) containing 80.56 acres for a total of 101.36 acres as per a map drawn by Robert T. Newcomb, III, dated October 1985.

Section 2. It being understood and agreed that the developer will, at his expense, construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1986.

Adopted: December 17, 1985

Effective: June 30, 1986

***ANNEXATION - WESTLAKE VILLAGE II - HEARING - ORDINANCE ANNEXING PROPERTY EFFECTIVE JUNE 30, 1986 ADOPTED

This was a hearing to consider the contiguous annexation of property known as Westlake Village II. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman, utilizing a map available at the meeting, pointed out the property in question and explained how it is proposed for the type of development for the property, what City services are required, and how the area meets annexation criteria. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the property effective June 30, 1986 and adoption of a resolution placing the property in City Council electoral district E. Her motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 35

ORDINANCE NO. (1985) 694

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO HE CITY LIMITS DESCRIBED AS WESTLAKE VILLAGE II

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A 31 of the General Statutes of North CArolina, a public notice was given by publication in a newspaper in Wake County with a general circuklation in the municipality, describing by metes and bounds the territory herein described to be annexed to the Ctiy of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Coucil would be held on December 17, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THIE CITY OF RALEIGH: J

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1986:

WESTLAKE VILLAGE II
ANNEXATION LEGAL DESCRIPTION

Beginning at a point in the centerline of Glendower Drive, said point being located at centerline station 13+25.98 and North 06-42-40 East 229.61' of the intersection of Glendower Drive and Betterton Drive, as shown on a map of WESTLAKE VILLAGE recorded in Wake Cunty Book of Maps 1985, Page 1291; thence from said beginning point North 88-30-11 West 160.66' to a point, thence North 06-42-40 East 130.44' to a point, thence North 06-12-40 East 174.98' to a point, thence North 06-10-27 East 35.95" to a point, thence North 07-00-09 East 113.68' to a point, thence North 06-57-33 East 316.77' to a point, thence the following courses and distances, South 83-02-27 East 237.76', South 51-49-13 East 96.01', thence along a curve to the left having a radius of 475.77' and arc distance of 221.56', thence along the following courses and distances, South 78-30-07 East 253.03,'

North 73-56-02 East 185.00', South 87-50-34 East 740.00',
South 11-33-01 East 575.33', South 08-26-36 West 984.50',
North 78-03026 West 1.99', South 81-01-44 West 50.53',
North 64-04-53 West 120.71', North 33-07-29 West 132.60',
North 50-01-52 West 73.17', North 51-39-56 West 37.52',
North 20-28-30 West 56.74', North 58-02-25 West 114.23',
North 76-02-10 West 155.00', North 51-39-56 West 85.00',
North 68-37-54 West 165.07', South 71-54-36 West 139.22',
North 81-09-11 West 70.00', North 47-29-29 West 195.00',
South 87-54-56 West 160.00', North 41-55-15 West 155.00',
North 88-30-11 West 78.16' to the point and place of beginning and being 43.30 acres.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1986.

Adopted: 12/17/86

Effective: 6/30/86

***ANNEXATION - SPRINGMOOR PHASE IV - HEARING - ORDINANCE ANNEXING PROPERTY EFFECTIVE JUNE 30, 1986 ADOPTED

This was a hearing to consider the contiguous annexation of property known as Springmoor, Phase IV. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman explained the area in question, the proposed development on the property, and what City utilities and services are available. He also explained how the area meets the annexation criteria. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the property effective June 30, 1986 and adoption of a resolution placing the property in City Council electoral district C. Her motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 35

ORDINANCE NO. (1985) 695

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS SPRINGMOOR - PHASE IV

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the CIty of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on December 17, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council 'Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1986:

SPRINGMOOR - PHASE IV

Beginning at a point on the southern right-of-way of Sawmill Road, said point being located 401.03' east from the intersection of the eastern right-of-way of N.C. 50 and the southern right-of-way of Sawmill Road; thence following the Southern right-of-way of Sawmill Road south 87°-19'-33" east 95.47' to a point in said right-of-way; thence along a curve, having a radius of 801.55' in a clockwise direction 238.49'; to a point also on said right-of-way; thence south 70°-16'-42' east 150.0' to a point on said right-of-way; thence along a curve, having a radius of 650.43' in a counterclockwise direction 627.34' to a point, said point being the intersection of the southern right-of-way of Sawmill Road and the eastern right-of-way of Valley Drive; thence leaving the right-of-way of Sawmill Road and following the eastern right-of-way of Valley Drive along a curve having a radius of 25' in a counterclockwise direction 37.42' to a point on said right-of-way; thence south 31°-17'41" east 15.90' to a point on said right-of-way; thence along a curve, having a radius of 482.18' in a clockwise direction 343.31' to a point also in said right-of-way; thence south 09°-30' west 347.02' to a point, said point being on the eastern right-of-way of Valley /Drive and also the north western corner of lot 10 Hidden Valley North, Section Two; thence in a westernly direction south 88°-14'-04" west 362.64' across Valley Drive and along the northern property line of lot 9 Hidden Valley North Section Two to an iron pipe, said point being a common property corner for described tract, lot 9 Hidden Valley North Section Two and a tract now or formerly owned by Randolph H. Trull; thence north 62°-50'-26" west 309.20' to an iron pipe in the Randolph H. Trull property line; thence with said line north 37°-57'-49" east 302.72' to an iron pipe, thence again with said line north 87°-55'-48" west 268.06' to a point; hence leaving said line north 02°-40'-27" east 359.50' to the point and place of beginning, containing 13.3987 acres according to plat entitled "Annexation Plat Greystone Subdivision," dated May 30, 1980 and revised May 21, 1981, February 8, 1982, June 4, 1982, April 26, 1983, July 10, 1983, January 14, 1985, November 4, 1985, prepared by Bass, Nixon & Kennedy, Inc.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1986.

Adopted: 12/17/85

Effective: 6/30/86

***ANNEXATION - DILLMARK TOWNHOMES - HEARING - ORDINANCE ANNEXING PROPERTY EFFECTIVE JUNE 30, 1986 - ADOPTED

This was a hearing to consider the contiguous annexation of property known as Dillmark Townhomes. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman explained the property in question, proposed development, what City services are available or would be required and how the property meets annexation criteria. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the property effective June 30, 1986 and adoption of a resolution placing the property in City Council electoral district C. Her motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 35.

ORDINANCE NO. (1985) 696

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS DILLMARK TOWNHOMES

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on December 17, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1986:

ANNEXATION DESCRIPTION FOR DILLMARK TOWNHOMES

Beginning at a point in the existing (10-1-85) Raleigh City Limits, said point being 200 feet east of Creech Road, said point also being in the southern line of Farmington Woods Subdivision; runs thence with said City Limits South 82° 10' 40" East 263.67 feet to the northwest corner of Dillmark Townhomes; thence leaving the northern line of Dillmark Townhomes and said existing City Limits the following courses and distances: South 25° 05' 10" West 102.48 feet, South 19° 57' 10" West 270.00 feet, and South 29° 10' 10" West 177.83 feet to the Southeastern corner of Dillmark Townhomes; thence with the southern line of Dillmark Homes and the northern line of the Creech Property North 84° 43' 50" West 87.78 feet ± to said existing City Limits; thence northerly with said City Limits 530 feet ± to the point of Beginning according to the Staking Plan for Dillmark Townhomes as drawn under th direction of Richard H. Stickney, Professional Engineer, dated May 18, 1985.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. THat this ordinance shall become effective June 30, 1986.

Adopted: 12/17/85

Effective: 6/30/86

***ANNEXATION - COBBLESTONE CUD - HEARING - ORDINANCE ANNEXING THE PROPERTY EFFECTIVE JUNE 30, 1986 - ADOPTED

This was a hearing to consider the satellite annexation of property known as Cobblestone CUD. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman explained the area in question, proposed development, what City services are available or what services would be required, and how the area meets the annexation criteria. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the property effective June 30, 1986 and adoption of a resolution placing the property in City Council electoral district B. Her motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 697

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY NONCONTIGUOUS TO THE CITY LIMITS DESCRIBED AS COBBLESTONE C.U.D.

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-59.1, as amended, of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on December 17, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. By virtue of the authority granted by G.S. 160A-58.1, as amended, the following described noncontiguous territory is hereby annexed and made part of the City of Raleigh, as of the 30th day of June, 1986:

COBBLESTONE C.U.D. (SATELLITE)

Beginning at a point in the northern right-of-way of Buffaloe Road (SR 2215), said point also being the western property line of Tract "A" as shown on a map entitled, "Property of J. J. Buffaloe and J. K. Buffaloe," drawn by A. R. Barnes, Registered Land Surveyor, revised January 15, 1985; runs thence North 01° 39' 04" West 285 feet ± to a point; runs thence North 79° 16' 17" West 350.20 feet to a point; thence North 89° 34' 32" West 529.63 feet to the northern corner of said Tract "A", said point also being in the eastern line of the Saint James Methodist Church Property; thence North 00° 08' 23" East 1143.88 feet to the northwest corner of said Tract "A"; said point also being in the North Carolina Good Coordinate System, Y = 759,273.36, X = 2,127,589.70; thence South 88° 33' 57" East 1245.49 feet to a point; thence North 89° 38' 19" East 415.14 feet to the northeastern corner of Tract "A" as shown on said survey map; thence along Hinton Branch the following calls: South 24° 38' 22" East 207.19 feet, South 63° 00' 55" East 105.47 feet, South 14° 33' 36" East 138.26 feet, South 58° 38' 18" East 214.05 feet, South 13° 43' 48" East 100.61 feet, South 02° 33' 31" West 125.95 feet, South 11° 18' 57" West 77.57 feet, South 48° 34' 39" WEst 68.50 feet, South 48° 57' 13" WEst 82.51 feet, South 86° 17' 27" West 69.47 feet, South 02° 57' 28" West 220.63 feet ± to the northern right-of-way of Buffaloe Road; thence westerly along the northern right-of-way of Buffaloe Road 906.27 feet ± to the point of Beginning, and said tract containing 58.06 acres.

Section 2. The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Subdivision Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1986.

Adopted: 12/17/85

Effective: 6/30/86

RESOLUTION NO. (1985) 35

A RESOLUTION TO AUTHORIZE THE INCLUSION OF THE FOLLOWING AREAS IN CITY ELECTORAL DISTRICTS

WHEREAS, the City Council of the City of Raleigh, did by Ordinances as shown below adopted December 17, 1985, annex parcels of land as indicated; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, the districts as indicated are the logical places to assign these annexation areas due to their proximity to the newly annex areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the following areas be added to the indicated City Electoral Districts:

| AREA | DISTRICT | ORDINANCE NO. |
|---|---|---|
| West Oak Apartments | E | 692 |
| Emerald Chase Subdivision | A | 693 |
| Westlake Village II | E | 694 |
| Springmoor, Phase IV | A | 695 |
| Dillmark Townhomes | C | 696 |
| Cobblestone CUD | B | 697 |

Adopted: 12/17/85

Effective: 6/30/86

***ANNEXATION - SPRING PINES - HEARING - ORDINANCE ANNEXING THE PROPERTY DECEMBER 31, 1985 - ADOPTED

This was a hearing to consider the satellite annexation of property known as Spring Pines. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director explained the location of the property in question, proposed development, City services that are available or will be required, and how the area meets the annexation criteria. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the property effective December 31, 1985 and adoption of a resolution placing the property in City Council electoral district B. Her motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 698

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY NONCONTIGUOUS TO THE CITY LIMITS DESCRIBED AS SPRING PINES C.U.D.

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-59.1, as amended, of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on December 17, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. By virtue of the authority granted by G.S. 160.A-58.1, as amended, the following described noncontiguous territory is hereby annexed and made part of the City of Raleigh, as of the 31st day of December, 1985:

SPRING PINES (SATELLITE)

Beginning at a concrete monument in the Southern right-of-way line of Spring Forest Road, said point being the Northeastern corner of property described herein and the Northwestern corner of property owned by John Davis, Heirs, said point having N.C. Coordinate values of Y=766, 675.428 X=2,128,923.686; thence from said point of beginning along the line of Davis and Thomas Winston S 03°-50'-57" E 428.51 feet to an iron pipe being the Northwestern corner of property owned by Westminster Company, thence along Western line of said Westminster property S 02°-47'-20" E 1186.44 feet to an iron pipe, thence continuing along said Westminster line S 84°-49'-13" W 1156,49 feet to an iron pipe being the Southeastern corner of property owned by Ethel S. Rogers, thence along Eastern line of said Rogers N 29°-33'33" E 1094.58 feet to an iron pipe, thence continuing along Rogers line N 34°-18'-48" W 158.75 feet to an iron pipe, thence continuing along said Rogers line N 05°-52'-18" E 637.00 feet to an iron pipe being in the Southern right-of-way line of Spring Forest Road, thence along said right-of-way line N 89°-59'27" E 549.62 feet to the point of beginning containing 28.105 acres according to a survey by Watkins and Associates, P.A. April 26, 1985.

Section 2. The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Subdivision Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1985.

Adopted: 12/17/85

Effective: 12/31/85

RESOLUTION NO. (1985) 36

A RESOLUTION TO AUTHORIZE THE INCLUSION OF SPRING PINES IN CITY ELECTORAL DISTRICT B

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1985) 698 adopted December 17, 1985, annex a parcel of land being commonly referred to as Spring Pines; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District B is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Spring Pines as described in Ordinance No. (1985) 698 be added to City Electoral District B.

Adopted: 12/17/85

Effective: 12/31/85

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He asked if Council Members would like to pull items from the Consent Agenda. The following items were pulled: Burns - CR-5965 (SC-57-85); Campbell - CR-5873 (Z-103-85); Meeker - CR-5914 (Z-131-85), CR-5918 (Z-135-85), and CR-5951 (S-207-85); Walters - CR-5948 (S-203-85); Congleton - CR-5947 (S-194-85), CR-5952 (S-210-85), CR-5955 (S-216-85), CR-5968 (S-213-85), CR-5971 (S-209-85), and CR-5972 (SC-55-85). Ms. Cates indicated she would like to be excused from participation in CR-5947 (S-194-85). Without objection, the items were withdrawn from the Consent Agenda and Ms. Cates was excused from participation on Subdivision S-194-85. Mr. Safran moved the Planning Commission's recommendations on the remaining items on the Consent Agenda be withheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows.

***TC-20-85 - SITE PLANS IN BUSINESS DISTRICTS - APPROVED AS AMENDED - ORDINANCE ADOPTED
This was a request for approval to adopt TC-20-85.

CR-5937 from the Planning Commission recommended approval of this text change as amended, and that this text change be evaluated by the Council within one year from its adoption. Consent Agenda Safran/Cates - 8 ayes.

ORDINANCE NO. (1985) 699 TC 259

AN ORDINANCE TO REQUIRE SITE PLANS IN THE BUSINESS DISTRICT

Section 1. Section 10-2045 of the Raleigh City Code is hereby amended to add a new subsection to follow 10-2045(2) which shall read as follows:

"(3) Site plan approval

a. None of the uses authorized for a business district shall be permitted until a site plan showing the proposed development of the area has been approved by the Council after a recommendation thereon has been made by the City Planning Commission. The site plan shall illustrate the following features showing their approximate dimensions and shall meet all other applicable requirements of this chapter:

1. The location and general exterior dimensions of all principal buildings, signs and any accessory buildings; and

2. The location, arrangement and dimensions of automobile parking spaces, widths of aisles, width of bays and angle parking; and

3. The location and dimensions of all vehicular drives, entrances an exits; and

4. The location, arrangement and dimensions of all service areas; and

5. Existing and proposed landscaping; and

6. The location and dimension of all pedestrian entrances, exits, sidewalks and walkways; and

7. The location of other site features such as drainage systems, walls, fences, ground cover, general landscape features and topography; and

8. Drawings or renderings illustrating all exterior features; and

9. Pedestrian-oriented uses, including but not limited to retail, recreational, open spaces, entertainment or cultural facilities; and

10. Special amenities, including but not limited to, pedestrian corridors, plazas, courtyards, lighting, street furniture, works of art, water features and paving materials; and

11. The number of gross square feet per floor, maximum square footage of residential, office, retail and other uses and floor area ratio (FAR); and

12. Any proposed encroachments onto, under or above the public right-of-way, such as awnings, canopies, signs, or planters; and

13. The location of all existing windows, door openings, emergency access or exitways, fire hydrants, standpipe or siamese connectors, emergency call boxes, emergency telecommunications equipment or any other emergency facility within five (5) feet of the proposed development of the area.

However, no site plan shall be required to be submitted for:

i. Interior improvements to existing structures or buildings not requiring additional off-street parking; and

ii. Changes in use not limited by the approved site pan which do not require additional off-street parking.

b. The Council may refuse to approve a site plan on the grounds that it:

1. Fails to adequately protect other properties from adverse effects; or

2. Fails to provide unity of development with other properties; or

3. Fails to protect the public from a dangerous arrangement of vehicular or pedestrian ways; or

4. Fails to provide adequate air and light to the development and surrounding properties; or

5. Fails to protect corridors and other public areas from adverse impact; or

6. Fails to provide compatibility and harmony with surrounding building intensity and established design standards; or

7. Exceeds the capacities of existing or proposed public facilities and services such as water and sewer lines, streets, fire, public safety and trash collection services.

The Council may also refuse to approve a site plan if it fails to conform with City Council-adopted plans and standards. If these are conflicts between plans and code restrictions, the more restrictive shall apply. After approval, a copy of the approved plan shall be filed with the inspections department, and no building or grading permits shall be issued except in conformity with the plan. But nothing herein shall prevent the otherwise lawful grading of street, utility, or other improvements shown on subdivisions approved pursuant to Chapter 3 of this Part.

Within three (3) years after approval of the site plan, at least one-half of the gross floor area shown on the site plan shall be completed and the remaining half of the site plan shall be completed two (2) years thereafter or withing five (5) years from the approval of the site plan. Failure to complete construction required herein shall automatically void the unconstructed portions of the approved site plan unless the City Council, following a recommendation of the Planning Commission an director of planning, finds that:

i. A request for an extension has been made to the Planning Director prior to the expiration period; and

ii. Unconstructed portions of the preliminary plat conform to all ordinances, laws, city policies and provisions of the comprehensive plan in effect at the time of the requested extension; and

iii. The delay in construction could not have been prevented by due diligence.

c. The Planning Director may approve, without City Council or Planning /Commission review, site plans or amendments to approved site plans which satisfy the following requirements:

1. Expansion of an existing building or structure or construction of an accessory building or structure, representing five (5) percent or less of the floor area and use limitations of the existing buildings or structures on the lot or project; or

2. Alteration of an approved site plan which involves expansion of an approved building or structure or the addition of an accessory building or structure representing five (5) percent or less of the floor area an use limitations of the approved buildings or structures on the site plan; or

3. Expansion of changes in off-street parking of less than five (5) percent of the area of existing or approved parking consistent with Section 10-2061; or

4. Minor alterations of other features, including relocation of buildings or uses on an approved site plan, which represents the same general building relationships, topography, landscaping and minimum utility standards; or

5. Alterations to signs which conform to sections 10-2065 through 10-2066.4, inclusive; or

6. Changes to exterior features and which conform to Council-adopted pans plans and standards.

The Planning Director must make the following findings before approving such a site plan or an amendment to a site plan:

i. The landscaping or screening on the site or on the approved site plan is not diminished; and

ii. The off-street parking is not reduced below the minimum required by this code; and

iii. The number of access points to public streets is not increased nor substantially relocated; and

iv. The circulation pattern provides for a safe, controlled and orderly flow of pedestrians or vehicles; and

v. The changes or additions do not require subdivision approval or otherwise violate any provision of this code."

Section 2. Section 10-2002 of the Raleigh City Code is hereby amended to add a new definition, service area, said definition shall follow the definition for rooming house and, it shall read as follows:

"Service areas. A 'service area' is an area which serves an establishment or building including without limitation mechanical systems areas, utility meters, pay windows, drive-in windows, outdoor self-service areas, trash collection and disposal areas, truck loading and unloading spaces and docks."

Section 3. Subsections 10-2022(3)d., 10-2033.1(a)(4), 10-2035(a)(4), 10-2038(a)(4), 10-2042.1(a)(4), 10-2043(3)a.2., 10-2044.1(a)(4), and 10-2045.1(5)a.2 are hereby rewritten to read as follows: "The location, arrangement and dimensions of all service areas; and."

Section 4. Section 10-2064(a)(3) of the Raleigh City Code is hereby amended to delete from the first paragraph thereof the following language "obtain plan approval by the Council," and insert in lieu thereof the following language: "be required to receive specific approval through the plan approval process required of all proposals in this district." The second paragraph of Section 10-2064(a)(3) is repealed and deleted in its entirety.

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. If this ordinance or application thereof to any person or circumstance s held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance shall become effective five (5) days following its adoption.

Adopted: 12/17/85

Effective: 12/22/85

***TC-33-85 - SOIL EROSION AND SEDIMENTATION CONTROL AMENDMENTS - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request to adopt TC-33-85.

CR-5938 from the Planning Commission recommended that the text change be adopted as amended. Consent Agenda approval Safran/Cates - 8 ayes.

ORDINANCE NO. (1985) 700 TC 260

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF RALEIGH RELATIVE TO SOIL EROSION AND SEDIMENTATION CONTROL

NOW, THEREFORE, BE IT ORDAINED BY THE RALEIGH CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. Section 10-5003 is hereby amended to add the following new definitions, said definitions to be inserted in proper alphabetical sequence:

"Act. "Act" means the North Carolina Sedimentation Pollution Control Act of 1973, as amended, and all rules and orders adopted pursuant to it.

Person Conducting Land-disturbing Activity. "Person conducting land-disturbing activity" mens any person who may be held responsible for a violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act."

Person Responsible for the Violation. "Person responsible for the violation" means

(a) the developer or any other person who has or holds himself out as having financial or operational control over the land-disturbing activity; and/or

(b) the landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefitted from it or he has failed to comply with any provision of this chapter, the Act, or any order adopted pursuant to this chapter or the Act as imposes a duty upon him.

Sedimentation. "Sedimentation" means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse."

Section 2. The definition of "Working days" in Section 10-5003 is hereby amended by inerting the words "and/or land-disturbing activity" immediately after the words "erosion control activity."

Section 3. Subsection 10-5006(4) is hereby repealed in its entirety, rewritten and reenacted to read as follows:

"(4) General requirements.

a. Plan Required - No person shall initiate any land-disturbing activity which uncovers more than one (1) or more contiguous acres without having an erosion control plan approved by the Inspections Department; however, in any reservoir watershed protection area and when off-site siltation occurs, approved erosion control plans are required for smaller areas. But submittal to the City of erosion control plans for land-disturbing activities comprising less than one acre and more than twelve thousand square feet are required in all instances.

b. Protection of Property - Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

c. More Restrictive Rules Shall Apply - Whenever conflicts exist between Federal, State, or local laws, ordinances, or rules, the more restrictive provision shall apply."

Section 4. Section 10-5006(8) is amended by adding a new Subsection, 10-5006(8)f., immediately following Subsection 10-5006(8)e. to read as follows:

"f. Acceptable Management Measures - Measures applied alone or in combination to satisfy the intent of th is section are acceptable if there are no objectionable secondary consequences. It is recognized that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used hen shown to have the potential to produce successful results. Some alternatives are to:

(1) avoid increases in surface run-off volume and velocity by including measures to promote infiltration to compensate for increased run-off from areas rendered impervious,

(2) avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections,

(3) provide energy disipators at outlets of storm drainage facilities to reduce flow elocities at the point of discharge. These may range from simple rip-rapped sections to complex structures,

(4) protect watercourses subject to accelerated erosion by improving cross-sections and/or providing erosion resistant lining."

Section 5. The first sentence of 10-6032(f)(2) as established by Ordinance No. 656 TC 248 is repealed, rewritten, and reenacted to read as follows, Section 10-5009 is amended by inserting a new additional sentence to follow the first sentence and to read as follows:

"No person shall initiate any land-disturbing activity in any reservoir watershed protection area, or in any other area if more than one (1) acre is to be uncovered unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the Inspections Department. However, submittal to the City of erosion and sedimentation control plans for land disturbing activities comprising less than one acre and more than twelve thousand square feet are required."

Section 6. Subsection 10-6032(f)(1) as established by Ordinance No. 656 TC 248, is hereby amended by adding a new last sentence to read as follows:

"In determining the area, contiguous lands under one or diverse ownership being developed as a unit will be aggregated."

Section 7. Subsection 10-6033(8) is amended by inserting a new paragraph immediately after the first paragraph to read as follows:

"Persons conducting a land-disturbing activity in a reservoir watershed protection area or persons conducting land-disturbing activity which covers one (1) or more contiguous acres shall file three copies of the erosion control plan with the City at least thirty (30) days prior to beginning such activity. If the City, either upon review of such plan or on inspection of the job site, determines that a significant risk of off-site sedimentation exists, the City will require a revised plan. Pending the approval of the revised plan by the City, work shall cease or shall continue under the conditions outlined by the City. However, submittal to the City of erosion and sedimentation control plans for land disturbing activities comprising less than one acre and more than twelve thousand square feet are required."

Section 8. The third paragraph of Subsection 10-6033(8) is amended by adding to the end thereof the following:

"Failure to approve, approve with modifications, or disapprove a complete erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. The City must approve a revised plan within fifteen (15) days of receipt, or it is deemed to be approved. If, following commencement of land-disturbing activity pursuant to an approved plan, the City determines that the plan is inadequate to meet the requirements of this chapter, the City may require such revisions as are necessary to comply with this chapter."

Section 9. Subsection 10-6933(8) is amended by adding two new last paragraphs which shall read as follows:

"Applications for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the City, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.

Any person engaged in land-disturbing activity who fails to file a plan in accordance with this chapter or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this chapter."

Section 10. Section 10-6034(b)(8) is amended by deleting the second paragraph in its entirety.

Section 11. All ordinances and clauses in conflict herewith are repealed to the extent of such conflict.

Section 12. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 13. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance and declare to be severable.

Section 14. 'This ordinance shall become effective thirty (30) days following its approval by the North Carolina Sedimentation Control Commission.

Adopted: 12/17/85

Effective: See Section 14

***REZONING Z-133-85 - EDWIN DRIVE - TO BE CONVERTED TO R-20 CONDITIONAL USE CASE

This was a request for approval to rezone approximately .9 acre from Residential-4 to Residential-10.

CR-5916 from the Planning Commission recommended that this case be allowed to convert to a R-20 Conditional Use. Consent Agenda approval Safran/Cates - 8 ayes.

***SUBDIVISION S-186-85 - ROBIN'S ROOST - APPROVED WITH CONDITION

This was a request for approval to subdivide a .71 acre tract into 4 parcels and to construct 3 townhouse units, connecting to City utilities. A one story dwelling is on the existing parcel.

The property is located on Poole Road between St. George Road and Cooper Road, inside the City Limits, zoned Residential-6.

CR-5895 from the Planning Commission recommended approval of this subdivision plan on the condition that the non-profit homeowners association legal documents are reviewed and approved by the City Attorney's office prior to recording of the final plats. Consent Agenda approval Safran/Cates - 8 ayes.

***SUBDIVISION S-204-85 - LANDFALL SUBDIVISION - APPROVED

This was a request for approval to subdivide a 4.24 acre tract, zoned Residential-4, into 13 lots.

The property is located on the northeast side of Leesville Road, just beyond Lake Lynn, outside the City Limits.

CR-5949 from the Planning Commission recommended approval of this plan according to a map drawn by Glenn D. Ward and Associates, dated 7/5/85, owned by Entropy Development Company, entitled, "Lot Plan, Landfall," as it conforms to the City's policies, requirements, and standards. Consent Agenda approval Safran/Cates - 8 ayes.

***SUBDIVISION S-206-85 - BRITTANY WOODS, PHASE II, SECTION III - APPROVED WITH CONDITION

This was a request for approval to subdivide and construct units on 7.26 acres, zoned Residential-10.

The property is located on the south side of Lancashire Drive in the Brittany Woods Subdivision, which is located northwest of the Leesville Road, Glendower Road intersection, inside the City Limits.

CR-5950 from the Planning Commission recommended approval of this plan according to a map drawn by Barrett Kays and Associates, PA, dated 7/17/85, owned by Edd K. Roberts, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's office prior to the recording of final plats. Consent Agenda approval Safran/Cates - 8 ayes.

***SUBDIVISION S-214-85 - TOWNEDGE PLACE, LOT 7-9A - APPROVED

This was a request for approval of a recombination of three lots and subdivision of one of these lots, two of which are presently developed.

The property is located at the end of Townedge Court, west of Blue Ridge Road, just south of Edwards Mill Road, inside the City Limits.

CR-5953 from the Planning Commission recommended approval of this plan according to a map drawn by John Y. Phelps, Jr., RLS, dated 11/85, owned by Shelter, Ltd., entitled, "Recombination of Lots 7 and 8 and subdivision of Lot 8 into Lots 8, 9 and 9A Townedge Place," as it conforms to the City's policies, requirements, and standards. Consent Agenda approval Safran/Cates - 8 ayes.

***SUBDIVISION S-215-85 - NORTHRIDGE SQUARE - APPROVED WITH CONDITION

This was a request for approval to subdivide an 8.06 acre tract, zoned Residential-6, into 19 lots, including one large lot presently developed as a single-family residence (Lot 1).

The property is located at the eastern end of Weybridge Drive, on the west side of Litchford Road, just outside the City Limits.

CR-5954 from the Planning Commission recommended approval of this plan according to a map drawn by LaMarr Bunn and Associates, dated 11/20/85; owned by Bern Bullard Associates, with the following conditions: 1) that all existing access drives from Lot 1 to Litchford Road be closed when Weybridge Drive is constructed, and 2) that the greenway reservation receive final action from City Council prior to recording Lots 7, 8, 9, 10, or November, 1986, whichever occurs first. Consent Agenda approval Safran/Cates - 8 ayes.

***SUBDIVISION S-217-85 - WESTINGHOUSE PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 92.79 acre tract, zoned Industrial-II, into 28 lots including the existing facility.

The property is located on the existing Westinghouse facility at the Beltline and US 1, inside the City Limits.

CR-5956 from the Planning Commission recommended approval of this plan according to a map submitted by Envirotek, Inc., entitled, "US 1 Westinghouse Property, Raleigh, North Carolina, revised," with the following conditions: That cross-access agreements and shared driveway agreements for Lots 26, 27, and 28; Lots 10 and 11; Lots 13 and 14, and Lots 15 and 16 be approved by the City Attorneys office prior to recording final plats; that the legal documents for a property owners association for the maintenance of the medians of Westinghouse Drive and Appliance Court be reviewed and approved by the City Attorney's office prior to recording of final plats; that agreements to ensure timely completion of the following off-site road improvements are approved by the North Carolina Department of Transportation, the City of Raleigh, and the Developer:

1) Extension of Westinghouse Boulevard to Highwoods Boulevard;

2) Widening, curb and gutter, and intersection improvements to US 1;

3) Acquisition of right-of-way for Raleigh Boulevard; and,

4) Stoneybrook Drive right-of-way and improvements.

Consent Agenda approval Safran/Cates - 8 ayes.

Later in the meeting City Manager Benton presented a proposed agreement relating to this item as follows:

The Planning Commission item involves a subdivision of 92.79 acres on US 1 North known as the Westinghouse Property. CR-5956 refers to an agreement concerning roads improvements. A proposed plan for off-site road financing has been developed and would consist of the following terms:

1. That $60,000 be paid to the City for the extension of Westinghouse Boulevard to Highwoods Boulevard (such improvements being on the west side of US 1 North) at the time that the City or State awards a contract for the construction of this extension with the further provision that this obligation will terminate on December 31, 1990, if a construction contract on the improvements has not been initiated by that date;

2. Prior to recording of the subdivision on any lots, a payment of $160,000 will be made to the City for the widening of US 1 North;

3. That the right-of-way or portions thereof for Raleigh Boulevard be dedicated to the City at no cost to the City if it is acquired by the owner of the property included in this subdivision, and that street and utility assessments for Raleigh Boulevard be paid to the City in one lump sum on the date that the City awards a contract for construction of the section of road adjacent to the Westinghouse Properties Subdivision if the subdivision has frontage on Raleigh Boulevard;

4. That the right-of-way within the subdivision for the Stoneybrook Drive Extension be dedicated to the City with the provision that the ownership will revert to the adjacent properties if the City has not initiated construction within five years after Westinghouse Boulevard has been completed and accepted by the City from the point of the intersection with Stoneybrook Drive to US 1 North; and

5. That the cash payments to the City for off-site road improvements will be considered as an offset to future transportation facility fees which may be imposed by the City to the extent that these payments are eligible under the facility ordinance which may be adopted.

Recommendation: That the above noted terms be approved and included in the special conditions for this subdivision. City Manager Benton explained this proposed agreement pointing out the developer has some question about item two or condition two of the proposed agreement. He indicated as a matter of clarification that this relates to subdivision of the property for the full development of the property not just when they separate out the existing Westinghouse tract. He stated this condition should be clarified to indicate that prior to recording of the subdivision to clarify or just show the separation of Westinghouse and its out parcels is just a clean-up subdivision but would not trigger the $160,000 payment. Ms. Cates asked about condition four and whether of the proposed agreement and whether that deviates from City policy. City Manager Benton indicated this involves a collector street and there is a question as to whether it is needed at this point. He stated there was some disagreeement about the importance of the street. He stated condition four gives the City the right to implement the street improvements if needed within five years. He indicated condition one involves the potential realignment of Highwood Boulevard to tie-in with this street and that cost would be some $170,000-plus dollars and there would be a need for further negotiations and cooperation by the City, State, and individual property owners and would require other decisions before the project could move forward. Mr. Walters moved that the agreement as clarified by the Manager be authorized. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUBDIVISION S-219-85 - RIVER FALLS - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 65+ acre tract, zoned Residential-4, into 156 lots. This tract is the southernmost part of a 1,200 acre Residential/Commercial Development.

The property is located on the south side of Durant Road between Falls of Neuse Road and US 1, outside the City Limits.

CR-5957 from the Planning Commission recommended approval of this plan according to a map drawn by the John R. McAdams Company, Inc., dated October, 1985, owned by Goforth Development Company, Inc., entitled, "River Fall, Preliminary Subdivision Plan," with the following conditions: 1) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's office prior to the recording of final plats, 2) that the area dedicated as greenway be accepted by the City; 3) that no earth disturbing activity take place in the Conservation/Buffer prior to plan approval; 4) that the developer execute the standard City maintenance and termination of private treatment plants prior to recording of the final plats; and, 5) stormwater conforms to Perry Creek policy. Consent Agenda approval Safran/Cates - 8 ayes.

***PA-143-85 - OCCIDENTAL LIFE INSURANCE SERVICE BUILDING - APPROVED WITH CONDITIONS

This was a request for approval to construct a 10,800 square foot temporary service building on about one acre, zoned Office and Institutional-I. The parcel is presently undeveloped and is one of several adjacent lots which is owned by Occidental Life Insurance Company.

The property is located on the east side of Oberlin Road, south of Wade Avenue, inside the City Limits.

CR-5958 from the Planning Commission recommended approval of this request according to a map drawn by George Finch, dated November 21, 1985, owned by Occidental Life Insurance Co., with the following conditions: 1) that a re-combination map be recorded prior to the issuance of a building permit, which extends the rear property line to allow a 30' rear yard building setback; 2) that cross access with adjoining Occidental Life Property and parking agreements be reviewed and approved by the City Attorney's office; and, 3) temporary building be removed not to exceed 5 years from date of approval by City Council. Consent Agenda approval Safran/Cates - 8 ayes.

***PA-144-85 - WESTERN BOULEVARD OFFICE BUILDING - APPROVED WITH CONDITIONS

This was a request for approval to construct a two-story, 9,568 square foot office building, on 0.45 acre, zoned Neighborhood Business, with the existing single-family dwelling on the site to be removed.

The property is located on the north side of Western Boulevard, 100 feet west of Pineland Circle, inside the City Limits.

CR-5959 from the Planning Commission recommended approval of this plan according to a map drawn by Priest, Craven and Associates, Inc., dated November 20, 1985, owned by Floyd and Co., Inc., with the condition that the existing single-family dwelling on the site will be removed prior to the issuance of the building permits. Consent Agenda approval Safran/Cates - 8 ayes.

***PA-147-85 - WILLIAMS OFFICE BUILDING - APPROVED

This was a request for approval to construct a 2,520 square foot, two-story addition to an existing 2,400 square foot office building, on 0.47 acre, zoned Office and Institutional-I.

The property is located on the cul-de-sac of Professional Court which is on the north side of Millbrook Road, inside the City Limits.

CR-5961 from the Planning Commission recommended approval of this request according to a map drawn by J. Red Davis, Jr., Inc., dated October 15, 1985, owned by Lovick Builders, Inc., as it conforms to all City policies, requirements, and standards. Consent Agenda approval Safran/Cates - 8 ayes.

***PA-150-85 SAMPSON BUILDING AT KOGER CENTER - APPROVED

This was a request for approval to construct a 78,960 square foot office building on 8.537 acres, zoned Office and Institutional-I.

The property is located on Centerview Drive which is on the west side of Jones Franklin Road, outside the City Limits.

CR-5962 from the Planning Commission recommended approval of this request according to a map drawn by Wilbur Smith and Associates, owned by Koger Properties, Inc., as it conforms to all City policies, requirements, and standards. Consent Agenda approval Safran/Cates - 8 ayes.

***PA-151-85 BLADEN BUILDING AT KOGER CENTER - APPROVED

This was a request for approval to construct a 79,290 square foot office building on 9.131 acres, zoned Office and Institutional-I.

The property is located on Centerview Drive which is off the west side of Jones Franklin Road, outside the City Limits.

CR-5963 from the Planning Commission recommended approval of this request according to a map drawn Wilbur Smith and Associates, owned by Koger Properties, Inc., as it conforms to all City policies, requirements, and standards. Consent Agenda approval Safran/Cates - 8 ayes.

***SC-53-85 - EXXON SERVICE STATION - APPROVED

This was a request for approval of a canopy addition at existing Exxon Station. The existing canopy is located 24' from the Falls of Neuse right-of-way. The proposed canopy will extend to 9' from that right-of-way.

The property is located at the corner of Sandy Forks Road and Falls of Neuse Road, at Falls Village Shopping Center (not a center outparcel), inside the City Limits.

CR-5964 from the Planning Commission recommended approval of this request according to a map drawn by Exxon Corporation, dated July 30, 1985, owned by Exxon Corporation, as it conforms to all City policies, requirements, and standards. Consent Agenda approval Safran/Cates - 8 ayes.

***PA-111-85 - FAST FARE REVISION - APPROVED WITH CONDITIONS

This was a request for approval to revise an approved site plan to construct a 2,760 square foot retail building on .72 acre, zoned Neighborhood Business by removing the condition that the two lots be recombined into one lot. Revised plan shows building and gas pumps on one lot and second lot being used for parking.

The property is located on the southeast corner of the intersection of Western Boulevard and Kent Road, inside the City Limits.

CR-5940 from the Planning Commission recommended approval of this request according to a map drawn by Quick Associates, dated 12/5/85, owned by Fast Fare, with the following conditions: 1) that the applicant submit with the application for a building permit for the principal use, a description of all parcels used to meet off-street parking requirements along with a certificate of ownership or attested copy of the leasing agreement for the parcel; and 2) that the applicant agree in writing that he shall provide the required off-street parking on the parcels, or their equivalent, so long as the principal use shall continue. Consent Agenda approval Safran/Cates - 8 ayes.

***SUBDIVISION S-208-85 (GH-43-85) CROSS TIMBERS/PINEGATE CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITION

This was a request for approval to develop as a cluster unit development two lots with a total of 28.19 acres, zoned Residential-10, with 274 units. Lot 1 (Cross Timbers) to consist of 48 townhouses on 6.82 acres. Lot 2 (Pinegate) to consist of 226 apartments in two phases, on 21.37 acres which includes the transfer of 13 units from Lot 1.

The property is located on the south side of Lineberry Drive, east of Trailwood Drive, outside the City Limits.

CR-5966 from the Planning Commission recommended approval of this plan according to a map drawn by Jerry Turner and Associates, dated 11/21/85, owned by McInnis Development Company, with the following conditions: 1) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's office prior to the recording of final plats, 2) that cross-access agreements be reviewed and approved by the City Attorney's office prior to recording of final plats, and, 3) that a variance be granted to allow a drive to exceed the maximum length of a deadend drive. Consent Agenda approval Safran/Cates - 8 ayes.

***SUBDIVISION S-211-85 (GH-44-85) - CHADWICK REVISION - APPROVED WITH CONDITION

This was a request for approval of a revision to a previously approved (April 16, 1985) preliminary plan for a 93 unit townhouse project on 16.48 acres. The proposed revision involves the realignment of Hillstone Drive and the addition of three units.

The property is located on the west side of Six Forks Road, north of Sawmill Road, outside the City Limits.

CR-5967 from the Planning Commission recommended approval of this plan according to a map drawn by Jerry Turner and Associates, dated 11/20/85, owned by Robuck Homes, entitled, "Chadwick-Layout Plan (Revised), Raleigh, NC," with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's office prior to the recording of final plats. Consent Agenda approval Safran/Cates - 8 ayes.

***END OF PLANNING COMMISSION CONSENT AGENDA***

***REZONING Z-103-85 - SIX FORKS ROAD - DENIED

This was a request for approval to rezone .67 acre from Residential-4 to Neighborhood Business.

CR-5873 from the Planning Commission recommended that this request be denied.

Planning Director Chapman explained the rezoning application. Mr. McNeely explained the Planning Commission's discussions, pointing out the Commission held it in an effort to try to get the neighborhood and the petitioner to communicate. He indicated this was held in a subcommittee and explained the subcommittee did not feel it was suitable for single-family residential but because of the encroachment into the neighborhood they felt that the O&I-I would be a problem. They asked the petitioner if he would amend his application to O&I-I conditional use but the petitioner was not willing to do so. In response to questioning from Mr. Campbell, Mr. Chapman indicated the CAC recommended denial. Mr. Walters moved the Planning Commission's recommendation to deny this request be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-131-85 - GARNER ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 2.5 acres from Residential-10 to Neighborhood Business.

CR-5914 from the Planning Commission recommended that this request be approved.

Planning Director Chapman explained the request. Planning Commission Chairman McNeely indicated there was very little discussion on this item with the exception of some concerns expressed about the transportation and staff answered those questions. Mr. Meeker pointed out this appears to violate the approved Comprehensive Plan for this area so he feels the Law and Finance Committee should look at the request further and so moved. His motion was seconded by Mr. Campbell and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-135-85 - TRAWICK ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request to rezone approximately 8.5 acres from Residential-6 to Shopping Center Conditional Use.

CR-5918 from the Planning Commission recommended that this case be approved in part; that is, to deny the portion of the case within the proposed expansion of right-of-way of Trawick Road, off about 20 feet, as shown on a map on file in the Planning Department.

Planning Director Chapman explained the request and Chairman McNeely explained the Commission's recommendation. Mr. Meeker indicated this involves a request to put a shopping center directly across the street from a shopping center and he feels that this should be studied further therefore he would move that Z-135-85 be referred to the Comprehensive Planning Committee before any action is taken on the request. His motion was seconded by Ms. Burns. Mr. Walters pointed out this is not residential land, explaining it is directly across the street from Tower Shopping Center. He stated in his opinion the plan worked out by the Planning Commission is very viable, explaining the property in question is completely surrounded by commercial development. He pointed out as far as the Comprehensive Plan is concerned that it is a guide for development; therefore he made a substitute motion to approve the Planning Commission's recommendation. His substitute motion did not receive a second. After discussion on the case with various Council Members voicing their opinion as to what would happen if this case is approved, the motion was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

***SUBDIVISION S-194-85 - ARDEN FOREST CLUSTER UNIT DEVELOPMENT, PHASE II - APPROVED WITH CONDITION

This was a request for approval for a development plan for Phase 2 of an approved Cluster Unit Development, (S-114-85), which consists of 17.45 acres zoned Residential-6, into 34 single-family lots.

The property is located on Arden Circle which is on the south side of Ebenezer Church Road, outside the City Limits.

CR-5947 from the Planning Commission recommended approval of this plan according to a map drawn by Paton-Zucchino and Associates, dated 12/2/85, owned by Lightfoot Investments, Inc., with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats.

Planning Director Chapman explained the request. Mr. McNeely indicated this meets all the requirements of the Subdivision Code. Mr. Congleton indicated there was item earlier on the agenda about sewer access and questioned if approval of this subdivision would affect the Council action on the question on sewer access with it being pointed out it would not. Mr. Congleton moved approval of the Planning Commission's recommendation. His motion was seconded by Mr. Meeker and put to a vote which passed with all members voting in the affirmative except Ms. Cates who was excused during the vote on the Consent Agenda. The Mayor ruled the motion adopted.

***SUBDIVISION S-203-85 - BANKS PROPERTY - TO BE PLACED ON JANUARY 21, 1986 AGENDA AS SPECIAL ITEM

This was a request for approval to subdivide a .44 acre tract into 2 lots with a minimum size of 8,212 square feet, zoned Residential-6. A one-story dwelling and garage are situated on the existing lot. The garage is a minimum of 5.8 feet from the proposed property line and a variance will be requested from the Board of Adjustment.

The property is located on Anderson Drive at the intersection of Royster Street, inside the City Limits.

CR-5948 from the Planning Commission recommended approval of this plan according to a map drawn by Rage, Marlowe and Associates, dated October 23, 1985, owned by Daisy Mason Banks, with the condition that the requested variance for the garage is granted by the Board of Adjustment or the garage is removed prior to recording of final plat.

Planning Director Chapman explained the subdivision with Mr. McNeely pointing out it meets all the requirements of the Subdivision Code. He indicated the only flaw is the fact that the garage doesn't meet the setback requirement. Mr. Walters pointed this was on the Board of Adjustment agenda for December but they did not act on it and he would like to see their action before the Council votes on the item; therefore he would move that S-203-85 be placed on January 21, 1986 Agenda as a special item. His motion was seconded by Ms. Burns.

Mr. Congleton pointed out it seems that the Planning Commission is saying that this meets all the criteria for a subdivision. He pointed out if the Board of Adjustment does not approve the variance then the only way they can subdivide is to move the garage and that would be no problem therefore he sees no purpose of delaying the request. Ms. Burns pointed out in her opinion there is a larger issue at stake and she feels allowing the Board of Adjustment to act is a way to let the people negotiate with the property owner. She pointed out the larger issue involves older

neighborhoods that are developed at R-4 standards but zoned R-6 and infill development is occurring and the City doesn't have any vehicle in place to monitor infill development except get involved property owners to negotiate. She indicated that maybe the City needs some provision for this type situation. She stated that high quality infill development can be good but she feels we should have some standards. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted.

***SUBDIVISION S-207-85 - RIVER LANDINGS II - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE; WIDTH AND TREATMENT OF GREENWAY ALONG THE NEUSE RIVER REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to subdivide a 14.47 acre tract, zoned Residential-4, into 35 lots.

The property is located east of Buffaloe Road adjoining the Neuse River, south of River Landings I, outside the City Limits.

CR-5951 from the Planning Commission recommended approval of this plan according to a map drawn by Chance-Cory Associates, dated 10/31/85, owned by Compass Development Company, entitled, "Preliminary Plan, River Landings II," with the following conditions: 1) that water supply and sewage disposal systems be approved prior to recording plats so as to conform to Perry Creek - Neuse River policies; 2) that the Landscape Island within the street right-of-way be maintained by the homeowner's association, with legal documents approved by the City Attorney's office; and, 3) the greenway easement dedication be accepted by the City.

Planning Director Chapman explained the subdivision and the conditions outlined. Mr. McNeely indicated this does conform with the Perry Creek policies pointing out that staff felt access to the greenway in this particular situation would be along the river. Mr. Meeker indicated there has been some questions about the width of the greenway as to whether it should be 150 or 300 feet. He indicated he feels that the width and other treatment of greenway needs to be studies therefore he would move that this subdivision as well as policies and guidelines for greenway along the Neuse River be referred to the Comprehensive Planning Committee. His motion was seconded by Ms. Cates. Mr. Walters indicated he did not feel that we should hold this up for study. He stated he does not know how much land the City can require and pointed out if we keep messing around we will not get any dedicated. Planning Director Chapman indicated within the 150-foot greenway there is a 50 foot sanitary easement also. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Campbell and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

***SUBDIVISION S-210-85 - TRADESMAN'S FAIR EAST - APPROVED WITH CONDITION

This was a request for approval to subdivide a 21.46 acre tract, zoned Industrial-I, into 17 lots.

The property is located on the west side of Atlantic Avenue, just north of Pacific Place, outside the City Limits.

CR-5952 from the Planning Commission recommended approval of this plan according to a map drawn by Envirotek, Inc., dated December 3, 1985, owned by Jack Norwood, entitled, "Tradesman's Fair East, Atlantic Ave., Raleigh, NC," with the condition that no final plat for Lot 1 or Lot 17 be recorded without a note of no access to Atlantic Avenue.

Planning Director Chapman explained the subdivision and Mr. McNeely explained that the only discussion related to the condition about no access onto Atlantic Avenue. Mr. Congleton indicated he pulled this from the Consent Agenda as he did not understand the condition. Mr. McNeely pointed out for Lot 1 and 17 front on two streets - an interior street and Atlantic Avenue - and the Planning Commission wanted to make sure that the only access would be to the interior street rather than Atlantic Avenue. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUBDIVISION S-216-85 - STRAWN'S CROSSING, R-6 AREA - APPROVED WITH CONDITION

This was a request for approval to subdivide a 5.998 acre site, zoned Residential-6 (5.04 acres) and Conservation Buffer (0.948 acre) into 13 duplex lots and one lot zoned Conservation Buffer.

The property is located on the west side of US 401 and north of Spring Forest Road, outside the City Limits.

CR-5955 from the Planning Commission recommended approval of this request according to a map drawn by LaMarr Bunn and Associates, with the following conditions: 1) the legal documents for common party walls be reviewed and approved by the City Attorney's office prior to the recording of final plats, and 2) a turnaround be constructed on dedicated Holly Drive in the Will-O-Dean Subdivision as required in S-114-84 prior to recording of final plats.

Planning Director Chapman explained the subdivision. Mr. McNeely indicated there was no real discussion on this request. Mr. Congleton questioned if we are going to end up with a half of a road, with Planning Director Chapman explaining other work and development that is occurring in the area. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-57-85 - NORTH PLAZA SHOPPING CENTER SIGN CRITERIA - REFERRED TO ADMINISTRATION TO BE PLACED ON JANUARY 7 AGENDA

This was a request for approval of sign criteria for existing North Plaza Shopping Center.

The property is located on Falls of Neuse Road at the intersection of Old Wake FOrest Road, inside the City Limits.

CR-5965 from the Planning Commission recommended approval of this request as it conforms to all City policies, requirements, and standards.

Planning Director explained the request with Mr. McNeely explaining the Planning Commission's recommendation. Discussion took place on the fact that this sign criteria does not include out parcels or the two major tenants. Ms. Cates indicated she would like to refer this to Administration to try to deal with those omissions and bring it back to the next meeting. Mr. Safran questioned if there was a representative of the petitioner at the Planning Commission to explain why the out parcels were not included, with Mr. Chapman indicating there was not. Mr. Congleton questioned why this sign criteria is coming in at this point, with Mr. Chapman pointing out one of the minor tenants of the shopping center changed and the staff asked them to submit a sign criteria and they did so but it did not include the out parcels. Mr. Congleton questioned if our ordinance allows us to make them include the out parcels, with Mr. Chapman pointing out it would depend on whether they are independent or freestanding out parcels. By general consensus it was agreed to refer this item to Administration and bring back a recommendation at the January 7 meeting.

***SUBDIVISION S-213-85 (GH-45-85) ETHAN'S POND CONDOMINIUMS - APPROVED WITH CONDITION

This was a request for approval of 45 condominium units in two buildings on a 7.5 acre tract, zoned Residential-6, connecting to City utilities.

The property is located on the east side of Leadmine Road between Mineshaft Road and Sawmill Road, outside the City Limits.

CR-5968 from the Planning Commission recommended approval of this plan according to a map drawn by LaMarr Bunn and Associates, Inc., dated December 3, 1985, owned by York Properties, Inc., with the following conditions: 1) that payment is made by the developer to the City for fee in-lieu-of street improvements and agreements are made between the developer and the City concerning slope easements for required street improvements prior to recording of plat, and 2) dedication of right-of-way is recorded prior to issuance of building permits.

Planning Director Chapman explained the subdivision. Mr. McNeely indicated the staff recommended approval and the only discussion he remembers related to the payment in-lieu-of and the words 'street improvements' were added to the recommendation. He stated the comments about slope easements were also added. Mr. Congleton indicated the questions he has have been answered by the big map available at the meeting therefore he would move approval. His motion was seconded by Mr. Safran and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-209-85 (SC-55-85) - GREYSTONE SHOPPING CENTER - APPROVED WITH CONDITION; SC-55-85 (S-209-85) GREYSTONE SHOPPING CENTER - APPROVED

Subdivision S-209-85 was a request for approval to subdivide a 9 acre tract into 4 parcels, zoned Shopping Center, connecting to City utilities.

The property is located on Leadmine Road at the intersection of Sawmill Road, inside the City Limits.

CR-5971 from the Planning Commission recommended approval of this plan, according to a map drawn by Jerry Turner and Associates, dated December 3, 1985, owned by Ammons, Inc., with the condition that the median is extended ten feet in length or an alternative be approved by the City Transportation Department which will reserve access and assure traffic safety.

SC-55-85 was a request for approval of an 88,700 square foot shopping center on a 9 acre parcel, zoned Shopping Center, connecting to City utilities. Approval of sign criteria is also requested.

The property is located on Leadmine Road at the intersection of Sawmill Road, inside the City Limits.

CR-5972 from the Planning Commission recommended approval of this request according to a map drawn by Jerry Turner and Associated, dated December 3, 1985, owned by Ammons, Inc., as it conforms to all City policies, requirements, and standards.

Planning Director Chapman explained the plans. Mr. McNeely indicated the discussion in Planning Commission centered around the safety of ingress and egress. He explained actions that were taken by the Planning Commission extending the median so that left turns could not be made at the service entrance. Mr. Congleton indicated he had concerns as there are three entrances along the shopping center and two along the side and this concerned him in general. He indicated another concern he had related to signage and questioned if the recommendation that one ground sign is all that the shopping center would be allowed is correct, with Mr. Chapman pointing out that is correct. He stated the out parcels will not have individual signs as this come in under one subdivision. Mr. Congleton indicated he was concerned about the ingress and egress with Ms. Burns indicating that bothered her also. By general consensus it was agreed to refer these two items to Public Works Committee.

Later in the meeting, Mr. Congleton moved that the City Council rescind its action of referring the two items relating to Greystone Shopping Center to Public Works Committee so that it could be discussed further. His motion was seconded by Mr. Walters and after brief discussion put to a vote which passed unanimously. The Mayor ruled the motion adopted.. Mr. Congleton indicated he had talked with the architect involved and they will be willing to put in right-turn in/right-turn out restrictions only at the shopping center and he feels that will resolve the problem; therefore he moved that the Planning Commission's recommendation be upheld with the condition that the plans will be amended to show right-turn in/right-turn out only. His motion was seconded by Mr. Campbell and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE NOMINATING COMMITTEE

***COUNCIL-APPOINTED COMMITTEES - VARIOUS - NOMINATIONS MADE

Chairman Cates indicated the Nominating Committee met earlier today and has several recommendations for nominations that will be presented. She stated after that has been accomplished, the floor will be opened for nominations on any of the various boards on which the Nominating Committee is making a recommendation. Ms. Cates presented the following recommendations of the Nominating Committee:

Housing Appeals Board - Reappointment of Glenn Plott

Parks, Recreation and
Greenway Advisory Board - Appointment of David King

Planning Commission - Ms. Cates indicated because of the number of nominations made by Council Members the committee agreed to recommend four candidates for the two positions as follows: Mary Ruth Johnson, Rita Roberts, Howard Miller, and Alton Strickland.

Telecommunications Commission - Seven Vacancies. The Committee recommends the following: reappointment of Joan Baron, John L. Cameron, Theodore M. Hyman, and the appointment of Brenda Rand-Davis, Mana Johnson, Frank Kivett, and Thomas N. Owen.

Human Resources and Human Advisory Board - Reappointment of Mabel Dorsey and Dennis Gabriel

Youth Council Advisory Board - Appointment of Dennis Davis. Ms. Cates indicated this item will be held on the Nominating Committee Agenda as there is a second vacancy.

Lengthy discussion took place on the procedures of the Nominating Committee with Mr. Walters pointing out he thought the Nominating Committee was supposed to make a recommendation for appointment to the slots and here we have two slots on the Planning Commission and the Nominating Committee is recommending four people. Lengthy discussion took place after which the Mayor opened the floor to nominations and the following nominations were made: Planning Commission - Eleanor Weinel - Burns, Edwin Worth, Sr. - Campbell, Betty Lou Ward - Safran. Telecommunications Commission - John M. Holloway - Campbell.

Mr. Campbell pointed out on the Youth Council Advisory Board the two slots have been available for quite some time and he would recommend that the City Council suspend its rules and appoint Dennis Davis to the Youth Council Advisory Board which would leave one vacancy. Discussion took place on the procedures of the Nominating Committee. Mr. Campbell's motion was seconded by Mr. Meeker and put to a vote which passed with all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE/DOWNTOWN COMMITTEE

***WHITE-HOLMAN HOUSE - SALE - AUTHORIZED

Chairman Walters reported the Real Estate/Downtown Committee recommends that the real estate known as the White-Holman House now located on New Bern Place be sold at a minimum bid or $128,200 with the Historic Preservation Covenant restrictions and requirements to apply. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Campbell and after brief discussion, a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY MARKET PROJECT - CONDEMNATION AT 319 SOUTH BLOUNT STREET - TO BE APPEALED

Mr. Walters reported the Real Estate/Dowtown Committee recommends that the recent Court Commissioner's award of $96,425 in the condemnation case on City Market property owned by Barney Joyner at 319 South Blount Street be appealed to Superior Court. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Campbell. After brief discussion, on the City's feeling on the value of the property, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***CITY MARKET PROJECT - LOAN AGREEMENT - AMENDMENT APPROVED

It is desirable to close on the Redevelopment Bonds for the City Market prior to January 1, 1986, because of the uncertainty about next year's tax laws. Because of delays in land acquisition, we are not ready to convey the property at this time. To facilitate the transaction period, it is proposed that the loan agreement be amended to give the City adequate assurance that it may own the project if the project is terminated. This amendment would provide that disbursements after bond sale and before the land is sold is limited to $100,000. In addition, $600,000 in disbursements would be allowed after the first critical property is sold and before all properties are sold by the City.

Recommendation: That the proposed amendment to the loan agreement be approved. City Manager Benton indicated we are not at the point to sell all of this property now but it is felt that some of the transactions should take place to make sure that the property will be owned by the City if the project is terminated. He indicated Administration recommends approval of the amendment to the loan agreement. Ms. Cates moved the Manager's recommendation be upheld. His motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY MARKET - EXCHANGE OF PROPERTY WITH AL BROTHERS - RESOLUTION AND AGREEMENT APPROVED

During the November 19, 1985 Council meeting, the City Council adopted a Resolution of Intent to exchange City-owned property on Martin Street for property owned by Al Brothers on Blake Street. The proper procedures have been followed and it would be appropriate for the City Council to authorize the final exchange agreement. Council Members received a copy of the agreement in their Agenda packet.

Recommendation: That the Exchange of Property Agreement be approved. Ms. Cates moved the Manager's recommendation be upheld. His motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 37

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN REAL PROPERTIES IN THE CITY OF RALEIGH

WHEREAS, during the November 19 Council meeting the City Council adopted a Resolution of Intent to exchange City owned property on Martin Street for property owned by Al Brothers on Blake Street; and

WHEREAS, all procedures as set out in General Statutes 160A-271 have been followed:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH.

Section 1. That the property be exchanged according to exchange of property agreement adopted by the City Council on December 17, 1985 and the Mayor be authorized to sign any necessary instruments of conveyance.

Adopted: 12/17/85

Effective: 12/17/85

***COMMUNITY DEVELOPMENT - HOUSING PROGRAM - PROGRAM WITH BRANCH BANKING AND TRUST COMPANY - APPROVED

Included in the Agenda packet was a proposed housing rehabilitation loan leverage program. It involves a joint venture with Branch Banking and Trust Company which will allow the City to expand the amount of loans available for rehabilitation and provide an interest rate of 7.5% to 8.5%. The City would commit up to $200,000 in Community Development funds and this would be matched by the bank.

Recommendation: That the Council approve the joint venture loan leverage program with Branch Banking and Trust Company.

Brief discussion took place on this program with Community Development Prosser indicating this did have $277,000 of City money which was matched at 75% from Federal funds. It was explained that there was some difficulty in the beginning utilizing this program but it is hoped that the program is now on the right track. Mr. Meeker moved approval of the Manager's recommendation. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PERSONNNEL - ADJUSTMENTS TO PAY PLAN - APPROVED

City Manager Benton explained every six months, the City Administration reviews various jobs and positions to ascertain if their duties are properly defined and are assigned to the proper pay level to assure "equal pay for equal work" in the organization. The following modification to the position and pay plan are recommended:

| Department/Division | Present Class/Grade | Proposed Class/Grade |
|---|---|---|
| Public Affairs | Office Assistant II-21 | Office Assistant III-23 |
| Finance/Collections | Office Assistant II-21/ Shepard | Office Assistant III-23 |
| Consumer Services | Consumer Services Rep. II-26 | Upgrade to 28 |
| | Office Assistant II-21/Phelps | Office Assistant III-23 |
| Central Engineering | Office Assistant II-21 | Office Assistant III-23 |
| | Office Assistant III-23 | Secretary II-25 |
| | Construction Insp. Supv.-33 | Upgrade to 34 |
| | Construction Inspector-31/Denton | Construction Insp. II-32 |
| Transportation | Traffic Engineer Tech. III-31/Townsend | Transportation Oper. Analyst-34 |
| Fire | Secretary I-23/Smith | Office Assistant IV-25 |
| | Asst. Fire Chief-39 | Asst. Fire Chief-40 |
| Public Works/Garage | Garage Superintendent-38 | Vehicle Fleet Supt.-38 (Title Change Only) |
| Department/Division | Present Class/Grade | Proposed Class/Grade |
| | Asst. Garage Supt.-34 | Asst. Vehicle Fleet Supt.-35 |
| Civic Center | Cashier I-21 | Cashier II-23 |
| Public Utilities/ Admin. | Office Assistant IV-25/ Wiggins | Office Assistant V-27 |
| | Office Assistant III-23/ Layton | Office Assistant IV-25 |
| Warehouse | Warehouse Supv-30 | Upgrade to 32 |
| Sewer Operations | Water/Sewer Gen. Supv.-32/ Snead | Sewer Oper. Supv.-34 |
| Water Operations | Water/Sewer Gen. Supv.-32/ Coggins | Water Oper. Supv.-34 |
| Meters & Services | Water/Sewer Gen. Supv.-32/ Deberry | Meters & Serv. Supv.-32 (Title Change Only) |
| Sewer Operations | Water/Sewer Supv.-I-29/ Parker | Water/Sewer Supv. II-30 |
| Parks & Recreation/ Parks | Equip. Operator I-22/ Holmes | Equip. Operator II-25 |
| Community Development | C.D. Project Officer-36 | Upgrade to 37 |
| | Planner I-33/Lepie | C.D. Planner-34 |
| | Rehab Loan Processor-28 | Rehab Loan Spec.30 |

Recommendation: That the proposed position adjustments be approved as recommended, effective January 2, 1986.

Ms. Cates questioned if an OA is higher than a secretary with City Manager Benton explaining we have OA-I, IIs, IIIs, IVs, and OA-Vs, as well as Secretary I and II and explained the correlation. Ms. Cates indicated as she understands, this would be advancement of everybody. Mr. Meeker moved the recommendation be upheld which was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 690 TF 11

***CIVIC CENTER PLAZA - PROJECT DESIGN SERVICES - LEWIS CLARKE AND ASSOCIATES RETAINED - FUNDS APPROPRIATED

City Manager Benton explained the City has retained the firm of Lewis Clarke Associates to provide design services for the plaza project on the north side of the Civic Center. The current agreement provides for a $82,000 fixed fee with provisions for additional payments for extra services. This project has been quite complex and has necessitated additional services plus special engineer services due to the design project being built on top of the parking deck. A revised design services arrangement has been developed and is proposed as follows:

> Design fee of 5.9% of the as awarded total construction cost for the plaza ($103,219), additional fees for engineering assistance not to exceed $37,022.

In addition, the City has incurred $11,000 in design engineering expenses associated with backfill work which was to have been a responsibility of the contractor for the York Hannover Building. This issue has been resolved and it is expected that all or part of these costs will be sought from the contractor and/or property owner in the future.

Recommendation: That the Council authorize the City Manager to execute an amendment to the agreement with Lewis Clark Associates to provide for the change in fee schedule as proposed and to include $11,000 for backfill investigation. The following transfer of funds is necessary:

| | | |
|---|---|---|
| From: | | |
| 01-2-1040-0001 | Contingency | $19,241 |
| To: | | |
| 40-2-1515-0102 | Civic Center Plaza A/E | $19,241 |

Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Meeker. City Manager Benton indicated there will be every effort made to keep the walkway between the mall and the Civic Center open. He indicated in the past couple of weeks it had to be closed as the parking deck was being waterproofed but from hereon until the project is completed, efforts will be made to keep a walkway opened with Council Members agreeing that would be extremely important. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***WILMINGTON STREET PARKING DECK - BIDS AWARDED TO J. M. THOMPSON, TRIANGLE MECHANICAL, AND AAA ELECTRICAL COMPANY - FUNDS APPROPRIATED; REQUEST OF ACME PLUMBING AND HEATING TO WITHDRAW BID - REFERRED TO THE LAW AND FINANCE COMMITTEE

City Manager Benton explained bids have been received for the construction of the parking deck. The bid tabulations were included in the Agenda packet. The low bidder for the plumbing contract, Acme Plumbing and Heating, has officially requested that his bid be withdrawn due to a clerical error. There are procedures in the General Statutes for this action. It involves the Council or a designated committee giving consideration to the request and the Council making a final determination. Since the bidder has requested withdrawal, the decision will affect whether he can get back his 5% bid bond deposit.

The bids, as submitted, with the second low bid for plumbing, amount to a total of $4,748,566. This is 14% above the estimate. The key factors affecting the bid are the exterior design with the "arc" effect and the close proximity of several businesses to the construction site. A careful review has been made of the bids and possible deductions. A deduction of $206,066 can be achieved without affecting the appearance, function, or safety of the structure. The deductions are noted in an attachment to the bid tabulations. This would provide for a total bid of $4,542,500 or 9% above the estimate. The electrical deduct would allow us to require the provision of ticketing equipment by the firm selected to operate the deck.

Recommendation:

1. That the Council refer the request for bid withdrawal to the Law and Finance Committee to hear his appeal and make a recommendation on bid bond refund to the Council;

2. That Council accept the low bid of J. M. Thompson less a deduct of $133,566, the second low plumbing bid of Triangle Mechanical Contracts, and the low electrical bid of Triple A Electrical Company less a deduct of $72,500.

3. That Council approve the following budget amendment:

| | | |
|---|---|---|
| Increase Revenue: | | |
| 44-1-0040-0130 | Interest Income | $152,500 |
| Increase Expenditures: | | |
| 44-2-3000-0000 | Park. Deck Proj. | $152,500 |

4. That the Council approve the following transfer of funds:

| | | |
|---|---|---|
| From: | | |
| 44-2-3000-0000 | Parking Deck Project | $4,272,500 |
| 29-2-1000-0100 | Council Reserve-Capital Reserve | 100,000 |
| 44-2-2000-0001 | Reserve Future Facil. | 200,000 |
| | Total | $4,572,500 |
| To: | | |
| 44-2-3000-0101 | Parking Deck-General | $4,274,074 |
| 44-2-3000-0104 | Parking Deck-Misc. | 30,000 |
| 44-2-3000-0105 | Parking Deck-Plumb. | 61,926 |
| 44-2-3000-0106 | Parking Deck-Elec. | 206,500 |
| | Total | $4,572,500 |

Mr. Congleton questioned if we had done work with J. M. Thompson before and were we satisfied. City Manger Benton indicated he was not sure owners and contractors were ever satisfied. He stated J. M. Thompson was the general contractor on the Salisbury Street deck and that project did go well. Mr. Congleton questioned if the Manager felt that the deducts would detract from the appearance of the parking deck with City Manager indicating this was studied very carefully and it would not be obvious to the person looking at the deck. He indicated the facade became a major cost factor with Mr. Congleton indicating he wanted to make sure that we did everything possible to make the appearance on this parking deck good. Ms. Burns pointed out there is a significant difference in the appearance of the parking deck next to the Municipal Building and the one across from the Radisson. She pointed out the Salisbury Street deck contributes to the streetscape and she feels that is very important. Mr. Campbell moved the Manager's recommendation be upheld. His motion was seconded by Mr. Meeker. Mr. Safran indicated he had no problems with the recommendation but questioned the committee assignment, pointing out in his private business he has heard hundreds of these appeals to withdraw a bid and this was discussed briefly after which Mr. Campbell indicated he would be very happy to have Mr. Safran appear at the Law and Finance Committee and help with this item. The motion as stated was put to vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 690 TF 11.

ORDINANCE NO. (1985) 702

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget be amended as follows to set up funding for Wilmington Street Parking Deck:

| | | | |
|---|---|---|---|
| Revenue: | 44-1-0040-0130 | Interest Income | $152,500.00 |
| Expense: | 44-2-3000-0000 | Park. Deck Proj. | $152,500.00 |

Adopted: 12/17/85

***WATER BILL PROBLEM - MS. TARITHA MIDDLETON - REFERRED TO THE PUBLIC WORKS COMMITTEE

City Manager Benton explained in the November 19 Council meeting, Ms. Taritha Middleton requested that the Council adjust her outstanding water bill. Administration was requested to review this item and report back to Council. Council Members received a review in their Agenda packets.

Recommendation: Council may wish to refer this item to Public Works Committee. Mr. Meeker moved the Manager's recommendation be upheld. His motion was seconded by Mr. Campbell and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 702A

AN ORDINANCE TO AMEND THE OFFICIAL EXTRATERRITORIAL JURISDICTION MAP AND THE OFFICIAL ZONING MAP OF THE CITY OF RALEIGH

WHEREAS, NCGS 160A-360(g) provides that extraterritorial jurisdiction agreements between local governments may be modified by mutual consent of the legislative bodies concerned as evidenced by a formally adopted resolution; and

WHEREAS, the City of Raleigh and the Town of Garner have agreed that their respective jurisdictions for planning and regulation of development purposes should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the Article 19, Chapter 160A jurisdictional boundaries as previously established by the City of Raleigh on the Extraterritorial Jurisdiction Map, City of Raleigh, dated March 12, 1981, as amended, is hereby further amended by deleting from the City jurisdiction approximately 2.9 acres north of Mechanical Drive, the metes and bounds of that area described as follows:

REVISED RALEIGH EXTRATERRITORIAL JURISDICTION

BEGINNING at a point in the existing (9/1/85) City of Raleigh Extraterritorial Jurisdiction (ETJ) Line, said point being in the intersection of the existing Garner Town Limits and the western line of a tract shown as Wake County Tax Parcels 656-22 and 656-398; thence northerly with the western line of said Parcel 656-22 a distance of 250 feet ± to the northwestern corner of said parcel; thence easterly 446 feet ± along the northern line of said parcel 656-22 to its northeastern corner; thence southerly 275 feet ± with the eastern line of said Parcel 656-22 to a point in said existing ETJ Line.

Section 2. That the official extraterritorial jurisdiction map of the City of Raleigh on file in the Office of the City Clerk which is also recorded in the Office of the Register of Deeds of Wake County as required by law be amended to conform to Section 1 hereof.

Section 3. That the official zoning map of the City of Raleigh on file in the Office of the City Clerk be amended to conform to Section 1 hereof.

Section 4. That this ordinance shall become effective January 1, 1986.

Section 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. That this ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and City Planning Commission following a recommendation thereon of the Planning Commission.

Section 7. That if any phrase, clause, sentence, paragraph or section of this ordinance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect, and to this end, the phrases, clauses, sentences, and sections of this ordinance are declared to be severable.

Adopted: 12/3/85

Effective: 1/1/86

***LEADMINE ROAD - POSSIBILITY OF CLOSING OLD PORTION - REFERRED TO THE PUBLIC WORKS COMMITTEE

The realignment of Leadmine Road results in a short section of road which will not be needed for future access to property or as a street. An adjoining property owner has requested that the section be abandoned. A map was included in the Agenda packet.

Recommendation: That the City Council adopt a resolution of intent to close the section of Leadmine Road as shown on the map which begins 200 feet ± north of Sawmill Road and runs north 900 feet ±, and set a public hearing for February 4, 1986.

City Manager Benton explained the proposal. Ms. Cates asked about the possibility of using this right-of-way as a green open area with City Manager Benton indicating he is not sure is would be suitable for public open land. Ms. Burns questioned the zoning on the adjacent land, with City Manager Benton indicating on one side it is Office and Institutional and the other side Residential. Ms. Burns questioned if this could be utilized as a buffer and also questioned the size of the O&I parcel. Other discussion took place on the fact that this is State right-of-way and any action would require concurrence from the State. Mr. Congleton indicated he had no problem with going to public hearing but he is not sure how he will vote on a request to close the street. Mr. Walters questioned the cost of sending this to public hearing and this was discussed briefly after which Mr. Congleton moved that the item be referred to Public Works Committee. His motion was seconded by Mr. Campbell which passed unanimously. The Mayor ruled the motion adopted.

***MARTIN STREETSCAPE - DESIGN SERVICES - CONTRACT WITH LU AND SEARS APPROVED

The Council has previously approved the design team of Lu and Sears for this project subject to Administration being able to negotiate a contract. A proposed contract has been negotiated and a copy was in the Agenda packet. It provides for a minimum fixed fee of $56,500 and an 8% of construction costs provision if costs exceed the projections. Funds are budgeted.

Recommendation: That Council approve the design contract with Lu and Sears. Ms. Burns moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY COUNCIL RETREAT - TENTATIVE AGENDA PRESENTED

City Manager Benton presented Council Members with a copy of a tentative agenda for the City Council retreat scheduled January 31-February 1. He went over the agenda. He indicated right now it is planned to have the retreat at the Civic Center pointing out, Administration did look at alternate sites but it was felt that amenities were better at the Civic Center. He stated the City would continue pursuing other alternatives if the Council so desired. Mr. Meeker indicated under item F on the tentative agenda, he feels we should add the question of a baseball stadium. Mr. Walters suggested the possibility of an update on the International Festival. The tentative agenda with the recommended additions was accepted.

## REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***PA-122-85 - HOLMES GARAGE - APPROVAL AMENDED

City Attorney McCormick indicated in October, the City Council approved a plan approval to construct a 3,750 square foot building for automobile services on property located at the southeast corner of Pecan and Hickory Roads. He indicated one of the conditions on that approval was "that the cross access agreements with adjacent rear lot be reviewed and approved by the City Attorney's Office prior to the issuance of building permits." He indicated the property owner has revised the plan and presented it to the Planning Department and the Planning Department does not feel that the cross access agreement is necessary under the new plan therefore he would recommend approval of the amendment to the plan approval. Ms. Burns moved the City Attorney's recommendation be upheld. Her motion was seconded by Mr. Campbell and passed unanimously. The Mayor ruled the motion adopted.

## REPORT OF MAYOR AND COUNCIL MEMBERS

***TAC - MAYOR TO BE CITY'S REPRESENTATIVE

Mayor Upchurch indicated after reviewing the assignments for the upcoming year that he realized that the Technical Advisory Committee is not a City Council committee. It is made up of representatives of the various municipalities. He stated he has discussed this with Mr. Congleton and at this point, he is removing Mr. Congleton from the TAC and placing himself as the City's representative.

***PERSONNEL - EVALUATION - DELAYED

Mayor Upchurch indicated when the personnel evaluations were made in June, it was agreed that evaluations would be made of the City Attorney, City Manager, and City Clerk every six months therefore it is time for the evaluations. He pointed out however since we have four new Council Members who are not familiar with the work of these individuals, he would question if the Council feels it would be appropriate for him to put together a copy of the forms that are used and explain to the Council

Members how the evaluations are done before trying to do the evaluations at this point. Without objection this was agreed to.

***CHINESE DELEGATION - COMMENTS RECEIVED

Mr. Walters indicated earlier today, there was a delegation of four people from China who chose to come to Raleigh to check on building code requirements. He presented Council Members with a copy of their calling cards, pointing out Raleigh is considered a leader in the building code field.

***SWIFT CREEK WATERSHED - ADMINISTRATION TO PROVIDE A REPORT

Mr. Meeker indicated he has some concerns and would like some information relative to the Swift Creek watershed. He explained Cary recently zoned a large portion of land for a shopping center and questioned if this is in the Swift Creek watershed. He questioned if Raleigh has the right protections in place to protect the Swift Creek watershed and also asked Administration if there is a threat to the Swift Creek watershed or if the City of Raleigh needs to take any action to make sure that the watershed is protected. Without objection the item was referred to Administration.

***THOROUGHFARE DISTRICT - POLICIES - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Mr. Meeker indicated the City does not have any policies or guidelines on the Thoroughfare District in the lines of how far back from a thoroughfare or how deep the thoroughfare district zoning should be applied. He asked that this item be referred to the Comprehensive Planning Committee to take a look to see if there are guidelines or policies that need to be developed. Without objection the item was referred to the Comprehensive Planning Committee.

***COMMITTEE ASSIGNMENTS - POLICIES - REFERRED TO LAW AND FINANCE

Mr. Campbell indicated he would like to see at a work session or the retreat, some type discussion of specific items going to specific committees, that is, whether we should have a policy or guidelines whereby the Council would refer items to committee. This was discussed briefly after which Mr. Upchurch suggested this item be referred to Law and Finance Committee. Without objection the item was so referred.

***TEXT CHANGE - TELECOMMUNICATIONS TOWER - REFERRED TO JANUARY ZONING HEARING

Ms. Burns presented a text change which she indicated she would like to have advertised for the January public hearing. She indicated it is an ordinance to make the requirements for the location of telecommunications towers uniform throughout the City. She stated there is not any environmental protection for O&I zoning categories as it relates to telecommunications towers. She indicated the proposed text change would simply repeal the sections which exempts O&I from the same kind of environmental impacts every other category has. She moved that this be scheduled for the January public hearing. Her motion was seconded by Mr. Campbell and after brief discussion put to a vote which passed unanimously.

***HOUSING - INFORMATION TO BE SOUGHT FROM SEATTLE AND MONTREAL

Ms. Burns indicated during the conference in Seattle, she took part in a tour of low-income housing constructed by the city. She stated she was extremely impressed not only with cost, availability, etc., but with the aesthetic quality of the low-income housing. She indicated she would like for Administration to ask from Seattle all pertinent information regarding financing they used, design criteria, professional selection criteria, pointing out she feels the City of Raleigh can learn a lot. She indicated they had a small number of low-income housing in each neighborhood and she feels they have excellent examples of what we should be looking. Mr. Safran indicated he attended a conference in Montreal, Canada recently and was impressed with some of the techniques and uniqueness of their low-income housing, pointing out Administration could ask for information from them also. The item was referred to Administration.

***ICE-SKATING RINK - INFORMATION TO BE SOUGHT

Ms. Cates indicated her impression of Seattle, Washington is that it is not greener than the City of Raleigh but it is definitely cleaner. She indicated in a recent survey on what would make Raleigh the perfect place to live, many people responded the availability of ice-skating. She pointed out Seattle has a nice outdoor ice-skating rink. She stated a lot of people in Raleigh have asked about and want ice-skating. She stated she would like to explore this with Seattle and asked Administration to contact Seattle and secure information as to why they have this particular facility, if it is cost-effective, etc. She stated she is interested in providing active recreation for children and feels that the City of Raleigh needs to seriously think about that. Mr. Walters indicated Administration could also check with Charlotte and Greensboro.

***TRAVEL ALLOWANCE - ADMINISTRATION TO PROVIDE INFORMATION

Ms. Cates indicated she would like for Administration to look at our travel allowance. She indicated during the conference in Seattle, she was told by several cities that they have a travel allowance. She asked Administration to look into this and check to see how the travel allowance is set up in Winston-Salem. The item was referred to Administration.

***COMPREHENSIVE PLAN - PROPOSAL TO DELETE PINE KNOLL DRIVE NORTH OF GREYWOOD DRIVE - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Mr. Safran indicated he would like to recommend that the City Council hold a public hearing to consider deleting Pine Knoll Drive, north of Greywood Drive, from the collector street plan of the Comprehensive Plan. Discussion took place as to the correct procedure after which by general consensus, the matter was referred to the Comprehensive Planning Committee.

***TRAFFIC - NORTHBROOK DRIVE - REFERRED TO ADMINISTRATION

Mr. Congleton indicated he would like for Administration to look into the traffic situation on Northbrook Drive. He indicated the entrance to the new Landmark Center from Northbrook Drive is right near a knoll which makes it difficult to see oncoming cars. Without objection Administration was asked to look into the situation.

***RECREATION FACILITIES IN MOBILE HOME PARKS - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Congleton indicated he had read about a Board of Adjustment case relating to recreational facilities in mobile home parks. He stated from the accounts in the paper he feels it would be good if the City Council would assist the Board of Adjustment by defining or refining the code as to what is intended as recreational facilities. He indicated as he understands it, the code does not detail what is meant or what is required when the term "recreational facilities" is referred to. City Attorney McCormick indicated our mobile home zoning classification has open space requirements. He indicated the requirements are stated in the term of space and facilities but when you talk about facilities it is talked about in square footage. Without objection the item was referred to Law and Finance for clarification.

***TRIANGLE J - REPORT RECEIVED - ADMINISTRATION TO GET INFORMATION ON DURHAM COUNTY REPORT

Mr. Congleton indicated he attended the last meeting of Triangle J COG. He indicated there were a number of interesting things and pointed out that Durham County has done an inventory of cultural and natural resources. He stated maybe the City would like to have some of those people come over and talk with the City of Raleigh and explain the effort that has been undertaken. He asked Administration to set that up. Mr. Campbell indicated that was brought up at the last Intergovernmental Committee. Mr. Congleton briefly reported on a tax package proposed by the Orange County Board of Commissioners, a symposium Triangle J is holding on January 8 involving business, government, education, and the arts.

***CONGRESSIONAL CONFERENCE - RESERVATIONS TO BE MADE IN WASHINGTON

Mr. Walters indicated the Council needs to go ahead and decide who is going to the Congressional Conference in Washington in March, pointing out we need to make our reservations immediately if we are going to get into the convention hotel. All Council Members indicated they were planning to attend and it was agreed to have the Council secretary go ahead and make the hotel reservations. Brief discussion took place as to whether we should make an appointment with our congressional delegation. Ms. Burns indicated in regards to speaking to our senators, she feels that the tax credit should be discussed as our downtown has benefitted greatly from developers who are taking part in the tax credits.

## REPORT OF CITY CLERK AND TREASURER

***MINUTES - VARIOUS - APPROVED AS PRESENTED

Minutes of the November 19 Council meeting, November 19 & 21 Joint Hearings with the Planning Commission, and the December 3 Council meeting were presented. Mr. Congleton moved approval of the minutes as presented. His motion was seconded by Mr. Safran and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members received in their Agenda packet two proposed resolutions relating to rebates and/or refunds of taxes. Adoption of the resolutions is recommended. It is also recommended that the City Council approve the tax listings as submitted by the Wake County Tax Supervisor for refunds due related to clerical error during the month of October. Mr. Congleton moved adoption of the resolutions as presented as well as the listing. His motion was seconded by Mr. Safran and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

### RESOLUTION NO. (1985) 38

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

| YEAR | TAXPAYER | ACCOUNT NO. | AMOUNT OF REFUND | REASON FOR REFUND |
|---|---|---|---|---|
| 1985 | Harris, Clarence A. & Florence E. | 01-2-0137240 | $ 24.36 | Error-Illegal Bill |
| 1985 | Harris, Clarence A. & Florence E. | 01-2-0137239 | 24.36 | Error-Illegal Bill |
| 1985 | Harris, Clarence A. & Florence E. | 01-2-0137238 | 24.36 | Error-Illegal Bill |
| 1985 | Harris, Robert (Jr.) & Jocelyn W. | 01-2-0027627 | 28.86 | Error-Illegal Bill |
| 1985 | Lee, Connie Raye | 16-2-5280161 | 16.51 | Error-Illegal Bill |
| 1985 | Lee, James A. | 17-2-5260990 | 62.39 | Error-Illegal Bill |
| 1985 | Matthews, Eliza S. | 01-2-0044927 | 12.51 | Error-Illegal Bill |
| 1981 | Spaugh, David Dorsey (Jr.) | 01-2-5789401 | 31.21 | Error-Illegal Bill |
| 1985 | Stepp, Barry N. | 01-2-0028895 | 43.29 | Error-Illegal Bill |
| 1984 | Tonlinson, Addie Early | 13-2-5488606 | 100.18 | Error-Illegal Bill |
| 1985 | Trans Leasing | 01-1-5273145 | 28.39 | Error-Illegal Bill |
| 1983 | Virginia Crabtree, Inc. | 01-1-5006495 | 1504.75 | Error-Illegal Bill |
| 1980 | Wood, Leonard Alton | 01-8-5191776 | 10.16 | Error-Illegal Bill |
| 1980 | Wood, Leonard Alton | 01-8-5207936 | 38.34 | Error-Illegal Bill |

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 12/17/85

RESOLUTION NO. 39

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

| YEAR | TAXPAYER | ACCOUNT NO. | TAX VALUE | RECOMMENDATION |
|---|---|---|---|---|
| 1985 | Roy R. Bennett | 01-8-5286775 | $ 11,970 | Relieved |
| 1986 | CMI Corporation | 01-7-5291329 | 20,197 | Relieved |
| 1985 | Madeline Grissom Curtis & John Stephen Curtis | 01-8-5504619 | 6,090 | Relieved |
| 1985 | G & M Inc. | 13-1-5287690 | 44,830 | Relieved |

Section 2. That the following request for relief be denied:

| YEAR | TAXPAYER | AMOUNT OF VALUE |
|---|---|---|
| 1985 | First Union National Bank | $21,760 |

Section 2. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 12/17/85

***STREET IMPROVEMENTS - OLD LASSITER MILL ROAD - RESOLUTION ADOPTED

A petition has been received, signed by seven out of eight, or 85.85 percent of the property owners, asking for improvements to Old Lassiter Mill Road, between Marlowe Road and New Lassiter Mill Road. The next step, if the Council so desires, would be adoption of a Resolution of Intent which would set a public hearing on January 21, 1986, to consider the proposal. Mr. Congleton moved adoption of the Resolution of Intent. His motion was seconded by Mr. Safran and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985)-40

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR, AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, there has been filed with the City Clerk and Treasurer of the City of Raleigh written petition hereinafter referred to, directed to the City Council, requesting the Council to make the respective improvements hereinafter described upon the street or streets, or parts thereof, hereinafter identified; and

WHEREAS, the City Clerk and Treasurer of the City of Raleigh has submitted said petitions to the City Council and has duly certified that the petition has been signed by a majority in number of the owners, or owners of a majority of all the lineal feet of frontage of the lands abutting upon the street or streets or parts thereof proposed in the petition to be improved, and that the petition is sufficient in all respects as required by Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, and pursuant to which the improvements have been petitioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended:

> Installation of curbs, gutters, drains and paving twenty-seven feet back-to-back on Old Lassiter Mill Road from Lassiter Mill Road to Marlowe Road.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. New sidewalk construction or extension shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that new sidewalks be constructed or extended on one side and assessed against property abutting both sides. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10, of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of six percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 21st day of January, 1986, at 1:00 p.m., or as soon thereafter as the matter can be reached, in the Council Chamber, Room 201, Municipal Building.

Adopted: 12/17/85

***SEWER ASSESSMENT ROLL 1031 - BEN BUR ROAD - ADOPTED

Sewer Assessment Roll 1031 relating to the installation of a sewer main in Ben Bur Road was presented. It was recommended that the City Council adopt the preliminary assessment roll which would set a public hearing on Tuesday, January 21, 1986, to consider confirmation of the costs. Mr. Congleton moved adoption of the assessment roll as recommended. His motion was seconded by Mr. Safran and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 41

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1031

WHEREAS, by Resolution No. 1985-829 adopted by the City Council on June 4, 1985 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

> PU 1985-12 - Installation of approximately 700 feet of 8-inch sewer main in Ben Bur Road located south of Lynn Road and north of Wynbrook Way, Fieldstream Farm Subdivision.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $16,408.35.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is per lot.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | SUBDIVISION LOT NO. | AMOUNT ASSESSED |
|---|---|---|---|---|
| Claude M. Batchelor, Jr. & Brenda | 1 | 0012034 | 4 | $2,344.05 |
| Howard H. Benton & Thomasine | 2 | 0005878 | | $2,344.05 |
| Harry M. Hoggard, Jr. & Nancy | 3 | 0101213 | | $2,344.05 |
| Thurman E. Burnette & Susan | 4 | 0012033 | 3 | $2,344.05 |
| Thurman E. Burnette & Susan | 5 | 0010404 | 2 | $2,344.05 |
| Thurman E. Burnette & Susan | 6 | 0012032 | 1 | $2,344.05 |
| J. W. Alley, Jr. & Barbara | 7 | 0001573o | | $2,344.05 |

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1031 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the day of at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 12/17/85

***SURPLUS PROPERTY - 901 EAST HARGETT STREET - RESOLUTION AUTHORIZING SALE ADOPTED

During the City Council Meeting on October 15, 1985, the City Council declared property at 901 East Hargett Street surplus and directed that it be sold with a minimum bid of $6,500. Proper procedures have been followed, and it is recommended that the City Council adopt a resolution authorizing the sale of this property to the Downtown Housing Improvement Corporation for $7,500. Mr. Congleton moved adoption of the resolution as recommended. His motion was seconded by Mr. Safran and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 42

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired surplus property, said property being described more fully as follows:

901 East Hargett Street

WHEREAS, the Downtown Housing Improvement Corporation have offered to purchase said property for the price of $7,500; and

WHEREAS, Chapter 160A-266 et. seq. of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provision;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That all procedures as outlined in Chapter 160A-266 et. seq. of the North Carolina General Statutes have been followed.

Section 2. That the City of Raleigh will sell real property at 901 East Hargett Street to the Downtown Housing Improvement Corporation for $7,500.

Section 3. That the Mayor be authorized to execute the instrument of conveyance.

Adopted: 12/17/85

Effective: 12/17/85

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 4:15 p.m.

Gail G. Smith
City Clerk

ct/1/cc3